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*LEGAL  
MALPRACTICE  
INSURANCE  
REPORT  
1999*



*MISSOURI DEPARTMENT OF INSURANCE  
STATISTICS SECTION*

**MISSOURI  
LEGAL  
MALPRACTICE  
INSURANCE  
REPORT  
1999**

**Missouri Department of Insurance  
Statistics Section  
July 2000**



## LEGAL MALPRACTICE INSURANCE REPORT EXECUTIVE SUMMARY

This report summarizes the legal malpractice insurance experience in Missouri from 1990 to 1999.

The charts, graphs and tables in this report, which contain closed claim information, were constructed from data collected by the Missouri Department of Insurance as required by Section 383.077 RSMo. The premium and loss data, obtained from the Missouri Page 15 Supplement to the companies' annual statements, are presented in the final section.

In 1999 the loss ratio for legal malpractice insurance in Missouri was 114 percent, a slight increase from the 1998 loss ratio of 111 percent. In other words, for every dollar of premium earned, insurers paid out \$1.14, not counting administrative expenses. For the 10-year period of claims closed<sup>1</sup>, 625 (24 percent) were closed with payment. Claims closed in 1999 totaled 317 or a three percent increase from the previous year.

The cost to an insurer for settling legal malpractice cases - the loss adjustment expense, or LAE, (i.e. legal fees, claims adjustment costs, etc.) - has fluctuated over the past 10 years. In 1999, the average loss adjustment expense for all claims closed with payment reached a 10-year high of \$73,286, while the expenses for all claims, closed with or without payment, averaged only \$21,038.

In producing this report, indemnities paid on closed claims have been categorized by various claim characteristics. The number of closed claims, average paid claim, and the total amount paid are included. The categories used for the indemnity analysis are:

- Area of law in which the insured was retained by the claimant
- Major activity in which the lawyer was engaged at the time the alleged error or omission occurred
- Alleged error or omission which was the most significant reason for making the claim
- The legal disposition of the claim at the closing date
- The number of years the insured had been in practice at the time of the alleged error or omission
- The relationship of the insured to the claimant

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<sup>1</sup>Claims closed may have resulted from incidents in any previous period.

By area of law, the largest percentage of claims closed in 1999 (85 out of 317) were initiated by plaintiffs in *personal injury and property damage cases*).

The largest proportion of all claims closed in 1999, as well as the 10 years, involved the *commencement of the legal action or proceeding*. *Failure to know or ascertain deadline correctly* was the most common reason stated for filing a claim in 1999. The alleged error that generated the largest number of claims over the 10-year span — 340 — was a *planning or strategy error*, followed by *failure to know or ascertain deadline correctly* with 330 closed claims. Forty-seven percent (47%) of all claims paid during 1999 were settled *before filing suit or demanding hearing* on the alleged malpractice.

In the last two sections of the indemnity analysis, years admitted to practice and insured/claimant relationship, are also reported. The three spans of years admitted to practice are: *under 4 years*, *4 to 10 years* and *over 10 years*. The largest proportion of losses in 1999 — 95 percent — occurred in the last group, *over 10 years admitted to practice*. The insured's relationship to the claimant is partitioned into four subclasses: *free legal service*, *non-client*, *member of pre-paid legal plan* and *client other than the preceding*. Most claims of 1999 occurred in the category of *client other than free legal service or member of pre-paid legal plan*.

Only 13 companies have reported writing legal malpractice insurance and submitted closed claim data in Missouri for 1999. The Bar Plan Mutual Insurance Company has commanded at least 67 percent of the legal malpractice insurance market in this state, each year, since 1986.

This report was compiled using information submitted by insurance companies. As a result, the accuracy of this report is dependent upon the correctness of each company's data. Copies of this report will be made available in braille, large print, or on audio cassette upon request. Any questions regarding this report should be addressed to the Statistics Section, Missouri Department of Insurance, P.O. Box 690, Jefferson City, MO 65102-0690.

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### **Other Publications Available**

The Missouri Department of Insurance publishes the following statistical reports. These reports are available by sending a written request along with the payment of \$35 to the Missouri Department of Insurance, P.O. Box 690, Jefferson City, MO 65102-0690.

**Missouri Department of Insurance Annual Report**  
**Missouri Medical Malpractice (Closed Claim) Report**  
**Missouri Real Estate Malpractice (Closed Claim) Report**  
**Missouri Market Share Report**  
**Missouri Products Liability (Closed Claim) Report**  
**Missouri Health Maintenance Organization Report**  
**Missouri Complaint Index Report**  
**Missouri Life, Accident & Health Supplement Report**  
**Missouri Property & Casualty Supplement Report**  
**Missouri Mortgage Guaranty Report**  
**Missouri Uninsured Auto Report**

### **Databases Available**

*Medicare Supplement Experience Data*  
*Missouri Zip Code Insurance Data for Homeowners/Dwelling Fire,*  
*Farmowners (dwelling only), Mobile Home, Earthquake and Private Passenger Automobile*

Some data is available to the public for a fee by special request only. For additional information, contact the Statistics Section at 573/751-4126.



## DEFINITION OF TERMS

**Indemnity Paid:** The sum of all payments made during the year for the benefit of insurance claimants, before reinsurance has been ceded and/or assumed. These payments include amounts paid in the current year for claims arising from coverage in prior years and exclude amounts which will be paid in future years for claims arising from the current year. Hence, this item is not a measure of the actual cost of current coverages, but only of current cash flows.

**Loss Adjustment Expenses:** The cost involved in an insurance companies adjustment of losses under a policy.

**Direct Premiums Written:** The dollar amount charged when a policyholder contracts for insurance coverage before reinsurance has been ceded and/or assumed.

**Direct Premiums Earned:** The part of premium attributable to the coverage already provided in a given period before reinsurance has been ceded and/or assumed.

**Direct Losses Incurred:** The sum of direct losses paid plus an estimate at the close of the year of the amounts to be paid in the future for all claims arising from the current and all prior years, minus the corresponding estimate made at the close of business for the preceding year. Incurred losses reported include estimated amounts unpaid for incurred-but-not-reported (IBNR) claims.

**Loss Ratio:** The dollar amount of direct losses incurred divided by the dollar amount of premiums earned for the particular line of business being analyzed, expressed as a percentage. This is an accounting representation of the portion of each premium dollar which is needed to honor a company's promise to pay claims.





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**TEN YEAR  
SUMMARY  
(1990 - 1999)**

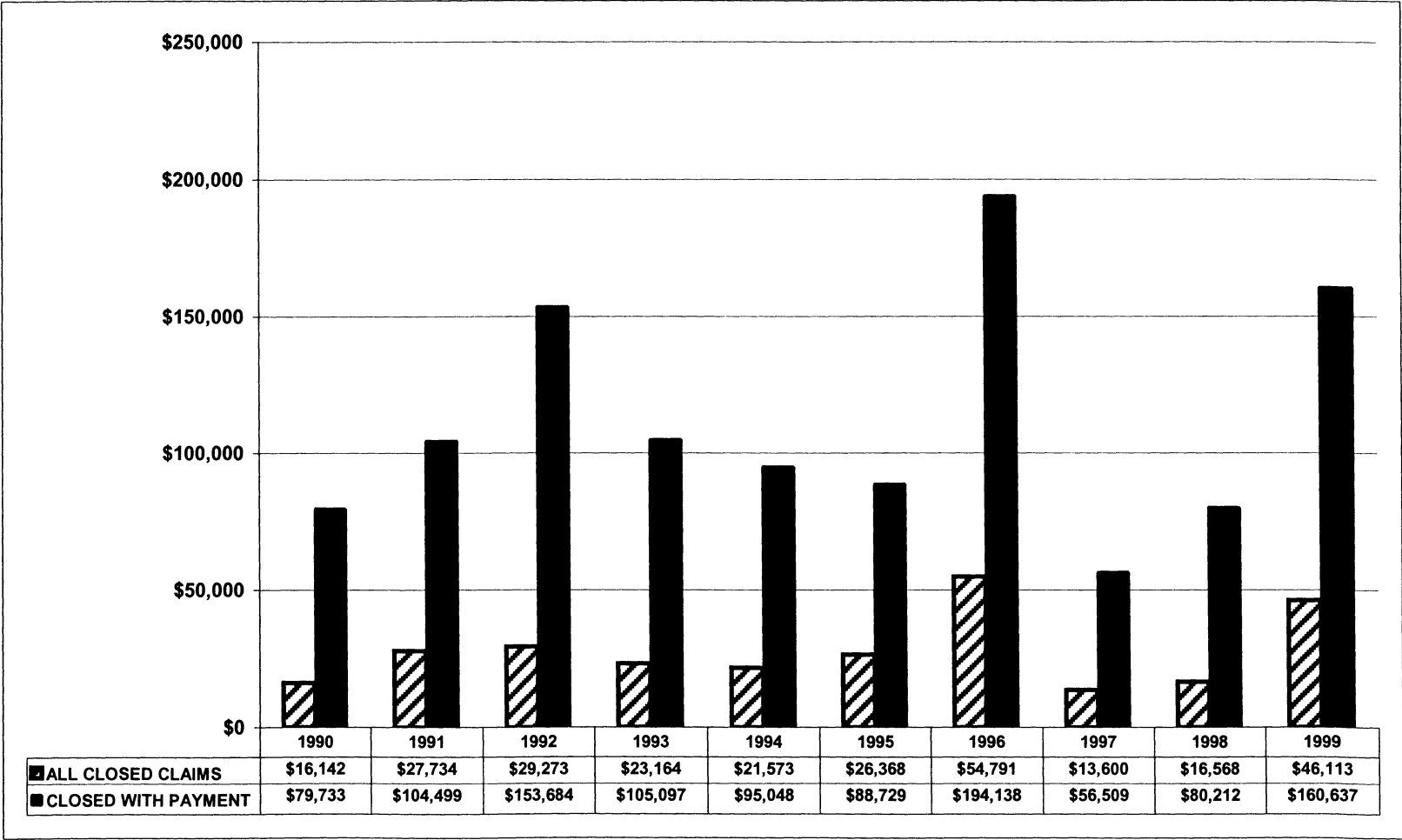


**LEGAL MALPRACTICE EXPERIENCE  
TEN YEAR SUMMARY  
(1990 – 1999)**

<b>CLOSED CLAIMS</b>	<b>NUMBER OF CLAIMS</b>	<b>PERCENT OF CLAIMS</b>	<b>TOTAL INDEMNITY PAID</b>	<b>AVERAGE INDEMNITY PAID</b>	<b>TOTAL LOSS EXPENSES PAID</b>	<b>AVERAGE LOSS EXPENSE PAID</b>
All Closed Claims	2,570	100.0%	\$72,477,180	\$28,201	\$26,048,009	\$10,135
Closed with Payment	625	24.3%	\$72,477,180	\$115,963	\$17,651,130	\$28,242
Closed without Payment	1,945	75.7%	\$0	\$0	\$8,396,879	\$4,317
Claims Settled Through Court Proceedings	206	8.0%	\$9,792,982	\$47,539	\$7,261,363	\$35,249
Court Proceedings Resulting in Payment	48	1.9%	\$9,792,982	\$204,020	\$3,988,632	\$83,097

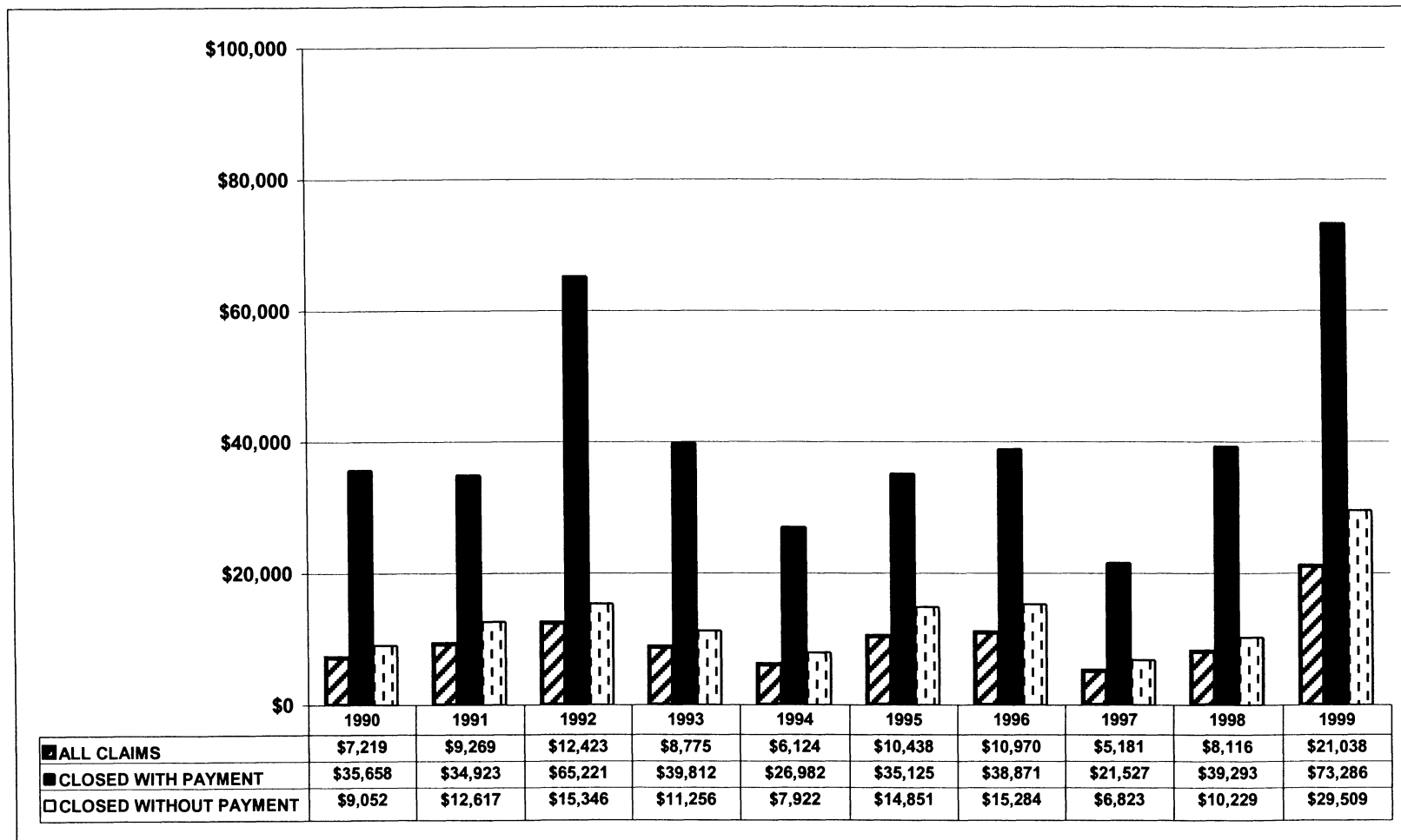
**MISSOURI LEGAL MALPRACTICE INSURANCE**

**AVERAGE PAID CLAIM**



# MISSOURI LEGAL MALPRACTICE INSURANCE

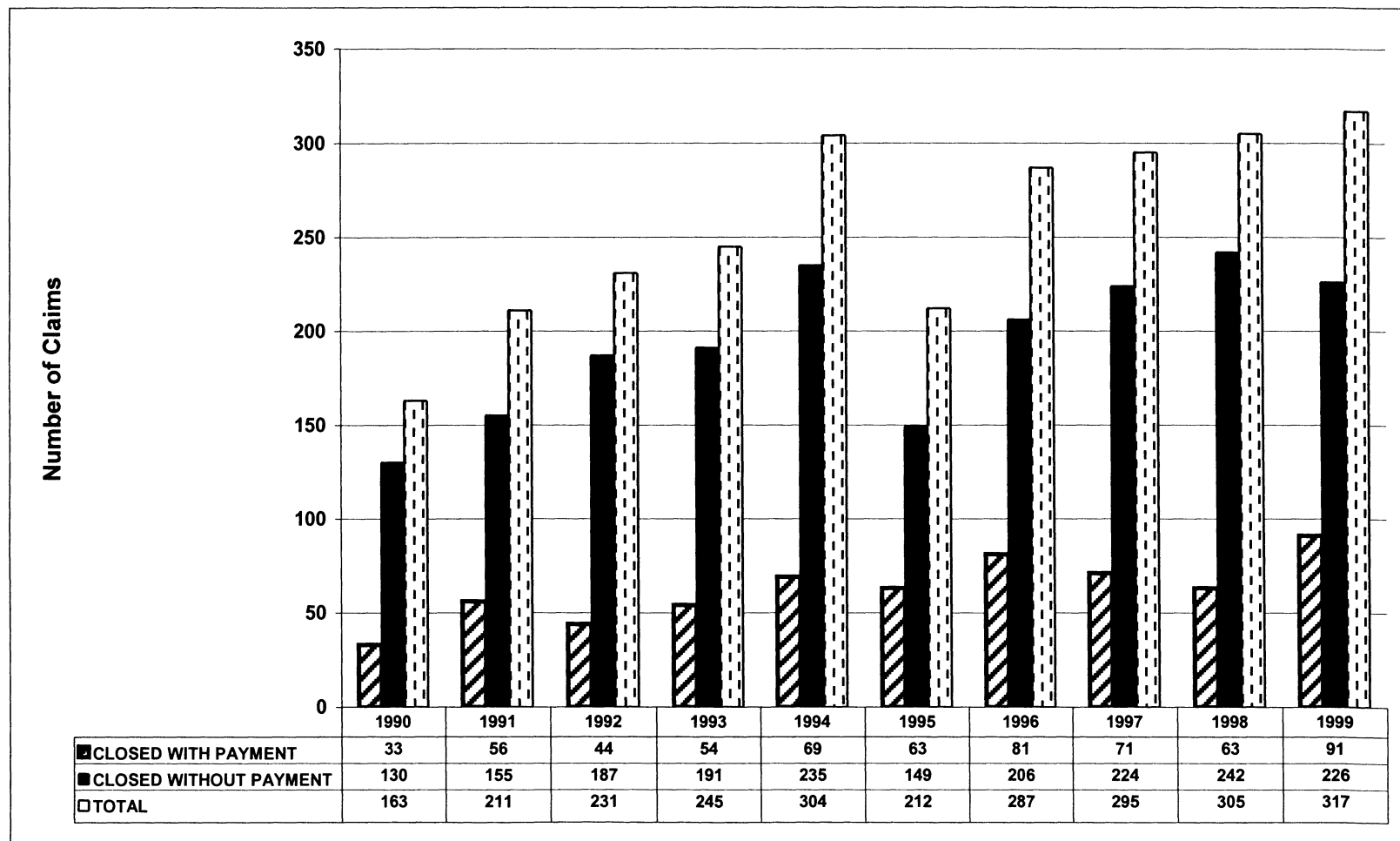
## AVERAGE PAID LOSS ADJUSTMENT EXPENSE





# MISSOURI LEGAL MALPRACTICE INSURANCE

## CLAIM COUNT 1990 - 1999



**TEN YEAR SUMMARY  
&  
1999 SUMMARY  
BY  
AREA OF LAW**



# LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS FOR YEARS 1990 – 1999

AREA OF LAW	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
BI/PD - PLAINTIFF	669	230	36.80%	\$79,305	\$18,240,061	25.17%	\$5,147
FAMILY LAW	269	52	8.32%	\$58,973	\$3,066,592	4.23%	\$6,326
ESTATE, TRUST & PROBATE	266	73	11.68%	\$67,727	\$4,944,070	6.82%	\$8,337
BUSINESS TRANSACTION/COMMERCIAL LAW	253	53	8.48%	\$211,465	\$11,207,670	15.46%	\$19,928
REAL ESTATE	243	48	7.68%	\$27,624	\$1,325,933	1.83%	\$6,030
COLLECTION & BANKRUPTCY	236	58	9.28%	\$42,958	\$2,491,549	3.44%	\$4,966
CRIMINAL	120	7	1.12%	\$26,000	\$182,000	0.25%	\$2,717
BI/PD - DEFENDANT	109	20	3.20%	\$259,401	\$5,188,017	7.16%	\$7,131
WORKERS COMPENSATION	85	23	3.68%	\$35,946	\$826,763	1.14%	\$2,707
CORPORATE & BUSINESS ORGANIZATION	58	14	2.24%	\$290,750	\$4,070,500	5.62%	\$19,739
LABOR LAW	43	8	1.28%	\$160,443	\$1,283,543	1.77%	\$10,399
SECURITIES (S.E.C.)	42	8	1.28%	\$1,996,539	\$15,972,309	22.04%	\$140,067
CIVIL RIGHTS & COMMISSION	40	4	0.64%	\$187,750	\$751,000	1.04%	\$8,938
LOCAL GOVERNMENT	40	3	0.48%	\$6,000	\$18,000	0.02%	\$8,644
TAXATION	34	9	1.44%	\$43,867	\$394,799	0.54%	\$16,965
PATENTS, TRADEMARKS, COPYRIGHTS	21	4	0.64%	\$35,949	\$143,796	0.20%	\$9,160
CONSUMER CLAIMS	15	2	0.32%	\$80,826	\$161,651	0.22%	\$13,603
CONSTRUCTION (BUILDING CONTRACTS)	11	5	0.80%	\$97,333	\$486,666	0.67%	\$16,405
GOVERNMENT CONTRACTS & CLAIMS	6	2	0.32%	\$833,631	\$1,667,262	2.30%	\$54,457
IMMIGRATION & NATURALIZATION	5	0	0.00%	\$0	\$0	0.00%	\$135
ADMIRALTY	2	1	0.16%	\$15,000	\$15,000	0.02%	\$6,718
ANTITRUST	1	0	0.00%	\$0	\$0	0.00%	\$126
ENVIRONMENT	1	1	0.16%	\$40,000	\$40,000	0.06%	\$0
INTERNATIONAL LAW	1	0	0.00%	\$0	\$0	0.00%	\$0
<b>TOTAL</b>	<b>2,570</b>	<b>625</b>	<b>100.00%</b>	<b>\$115,963</b>	<b>72,477,180</b>	<b>100.00%</b>	<b>\$10,135</b>

# LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS CLAIMS CLOSED IN 1999

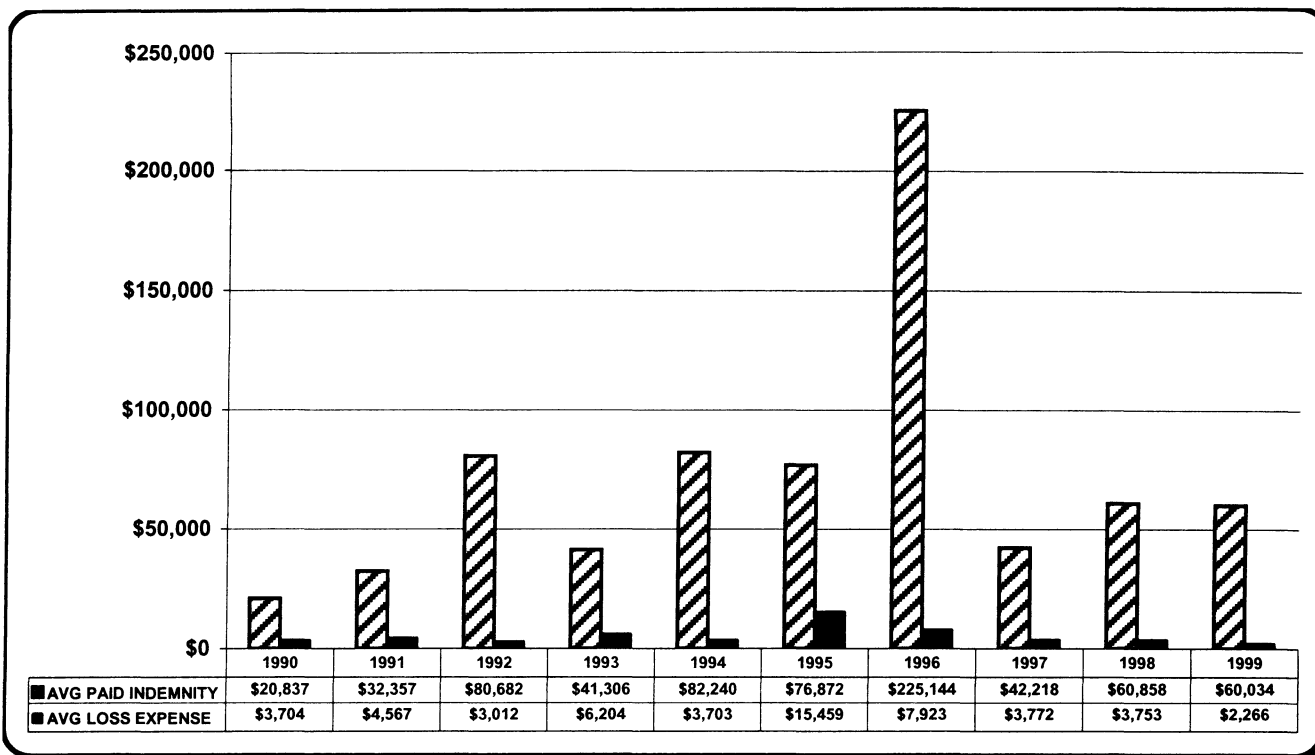
AREA OF LAW	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
BI/PD - PLAINTIFF	85	33	36.26%	\$60,034	\$1,981,120	13.55%	\$2,266
COLLECTION & BANKRUPTCY	38	10	10.99%	\$38,400	\$384,000	2.63%	\$4,778
FAMILY LAW	37	5	5.49%	\$31,000	\$155,000	1.06%	\$4,555
ESTATE, TRUST & PROBATE	31	10	10.99%	\$54,100	\$541,000	3.70%	\$12,974
REAL ESTATE	24	5	5.49%	\$19,676	\$98,381	0.67%	\$3,433
BUSINESS TRANSACTION/COMMERCIAL LAW	19	6	6.59%	\$145,630	\$873,779	5.98%	\$40,938
CORPORATE & BUSINESS ORGANIZATION	15	4	4.40%	\$91,250	\$365,000	2.50%	\$24,887
WORKERS COMPENSATION	15	6	6.59%	\$56,807	\$340,841	2.33%	\$1,197
CRIMINAL	11	1	1.10%	\$2,000	\$2,000	0.01%	\$3,434
CIVIL RIGHTS & COMMISSION	9	3	3.30%	\$231,000	\$693,000	4.74%	\$19,227
CONSUMER CLAIMS	7	1	1.10%	\$65,000	\$65,000	0.44%	\$988
BI/PD - DEFENDANT	6	3	3.30%	\$65,000	\$195,000	1.33%	\$3,817
PATENTS, TRADEMARKS, COPYRIGHTS	5	1	1.10%	\$75,000	\$75,000	0.51%	\$22,183
TAXATION	4	2	2.20%	\$35,000	\$70,000	0.48%	\$14,331
SECURITIES (S.E.C.)	3	1	1.10%	\$8,778,809	\$8,778,809	60.06%	\$1,327,924
IMMIGRATION & NATURALIZATION	2	0	0.00%	\$0	\$0	0.00%	\$338
LABOR LAW	2	0	0.00%	\$0	\$0	0.00%	\$18,217
LOCAL GOVERNMENT	2	0	0.00%	\$0	\$0	0.00%	\$18,644
CONSTRUCTION (BUILDING CONTRACTS)	1	0	0.00%	\$0	\$0	0.00%	\$5,563
GOVERNMENT CONTRACTS & CLAIMS	1	0	0.00%	\$0	\$0	0.00%	\$0
<b>TOTAL</b>	<b>317</b>	<b>91</b>	<b>100.00%</b>	<b>\$160,637</b>	<b>\$14,617,930</b>	<b>100.00%</b>	<b>\$21,038</b>

**TRENDS  
OF THE TOP TEN  
AREAS OF LAW  
OF 1999**

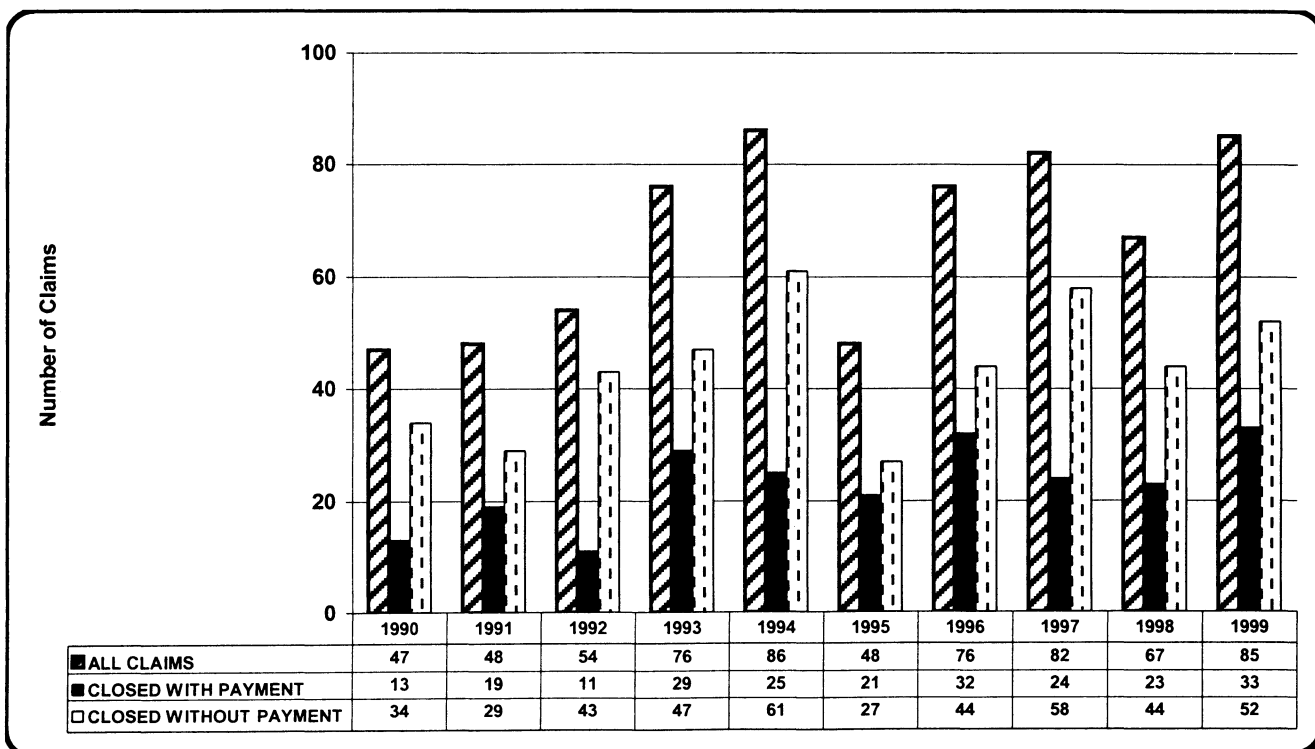


## PERSONAL INJURY/PROPERTY DAMAGE - PLAINTIFF

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



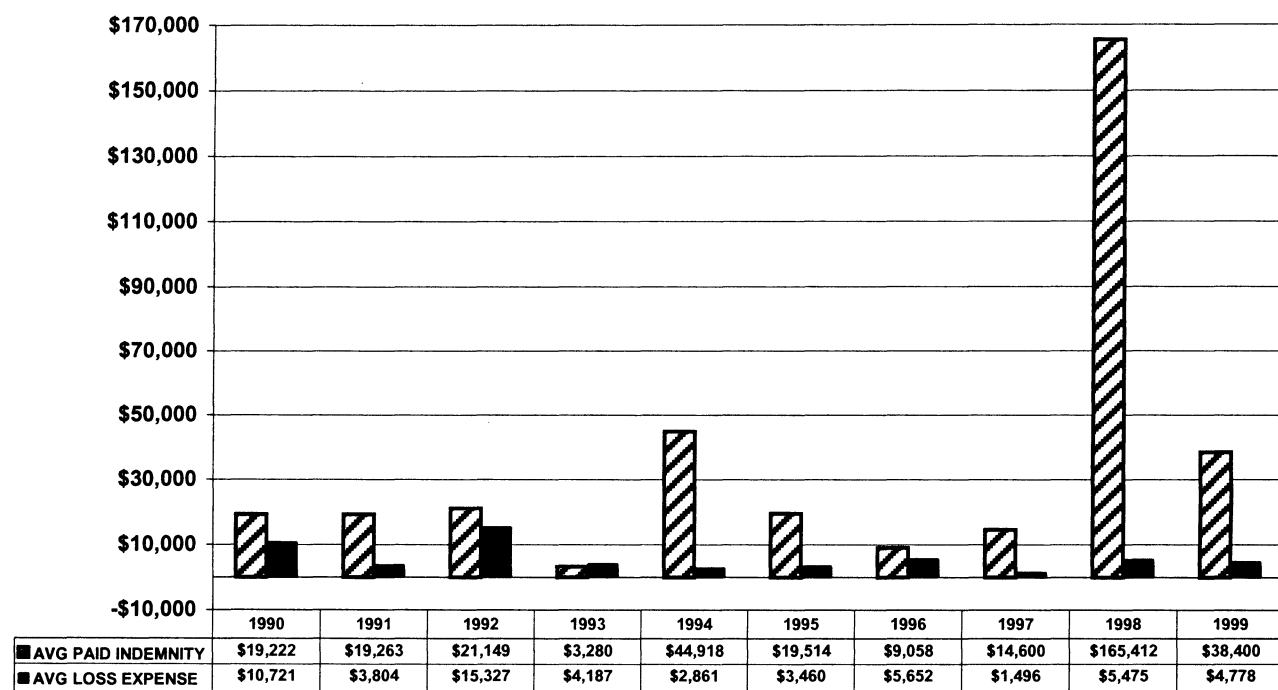
### CLAIM COUNT



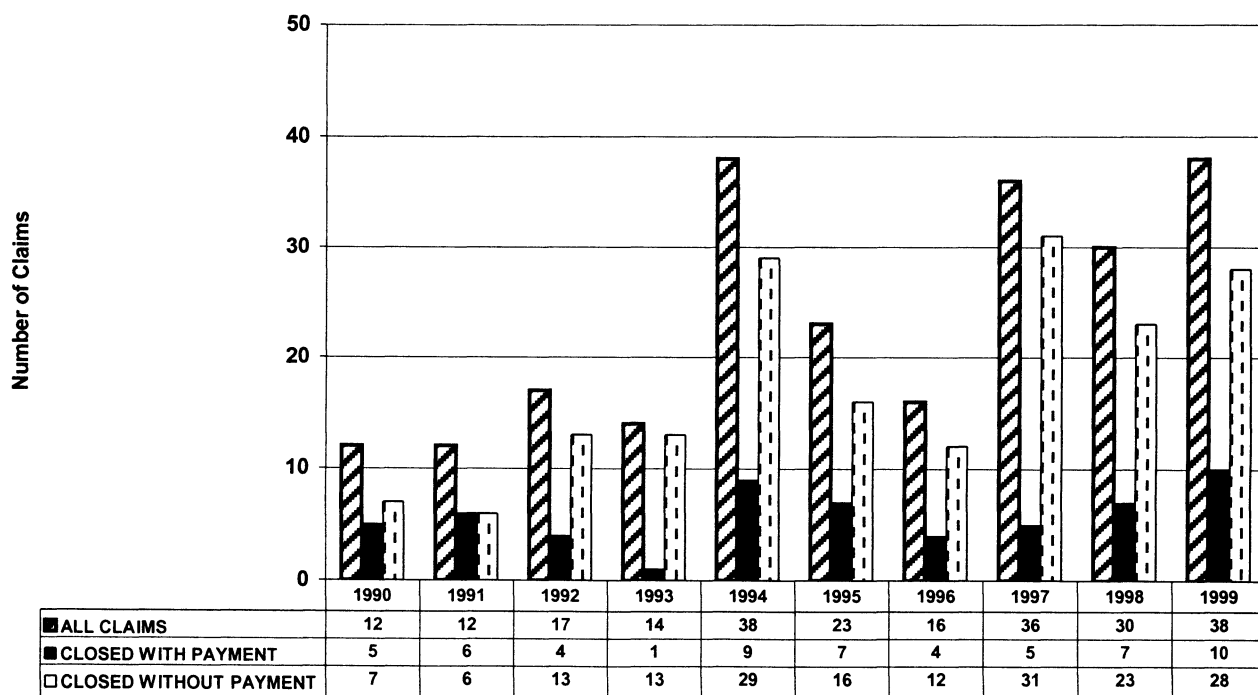


## COLLECTION & BANKRUPTCY

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

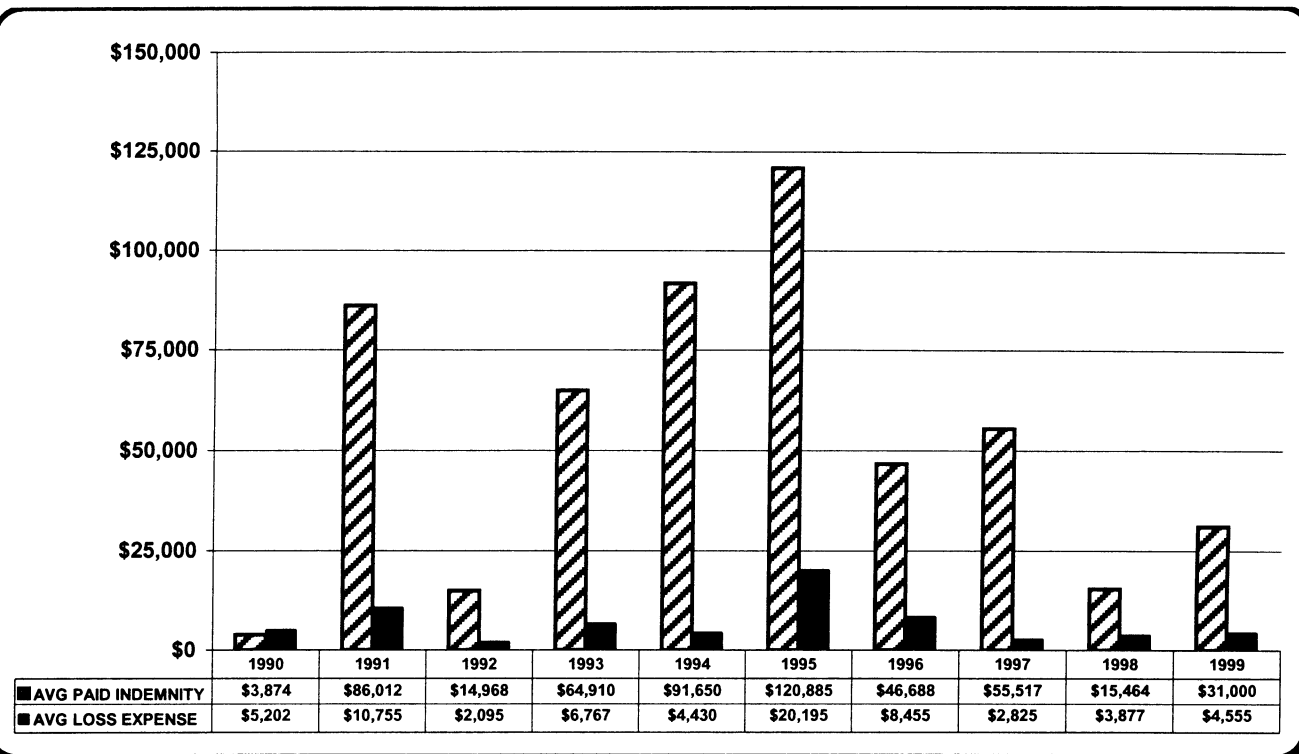


### CLAIM COUNT

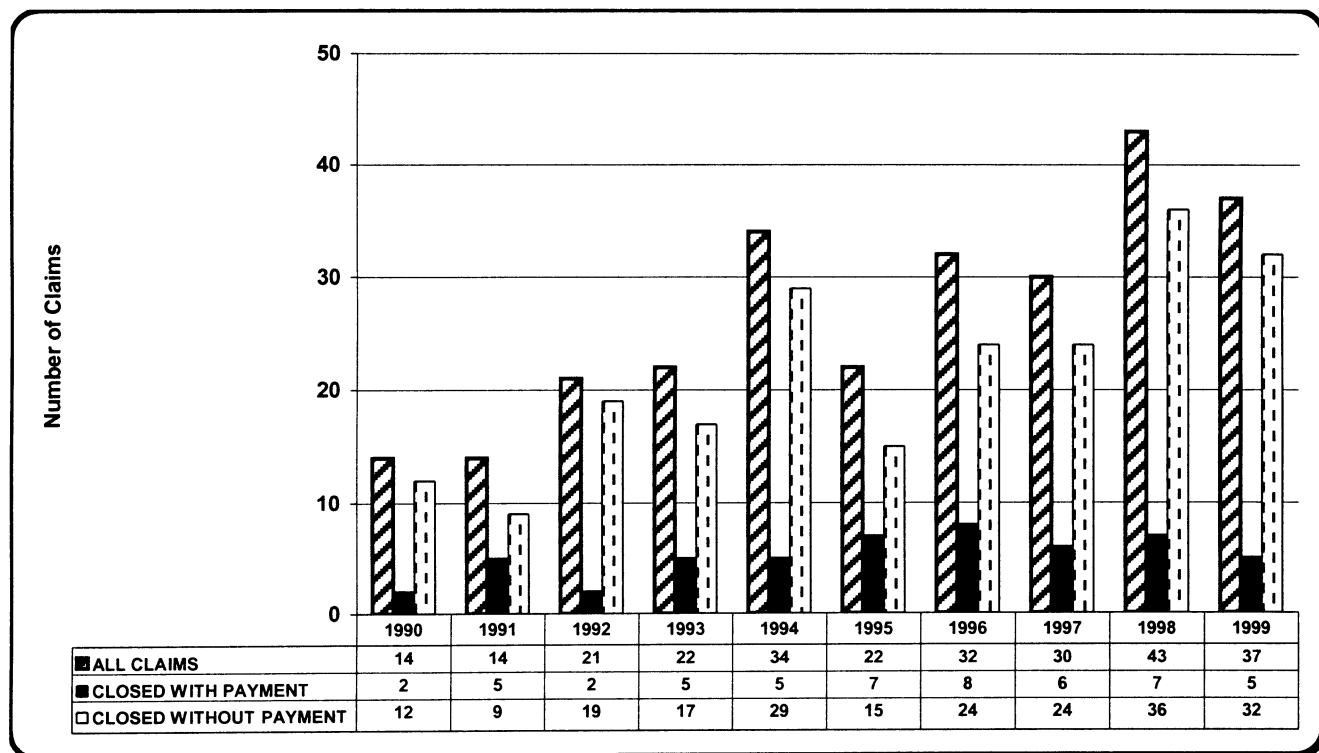


## FAMILY LAW

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

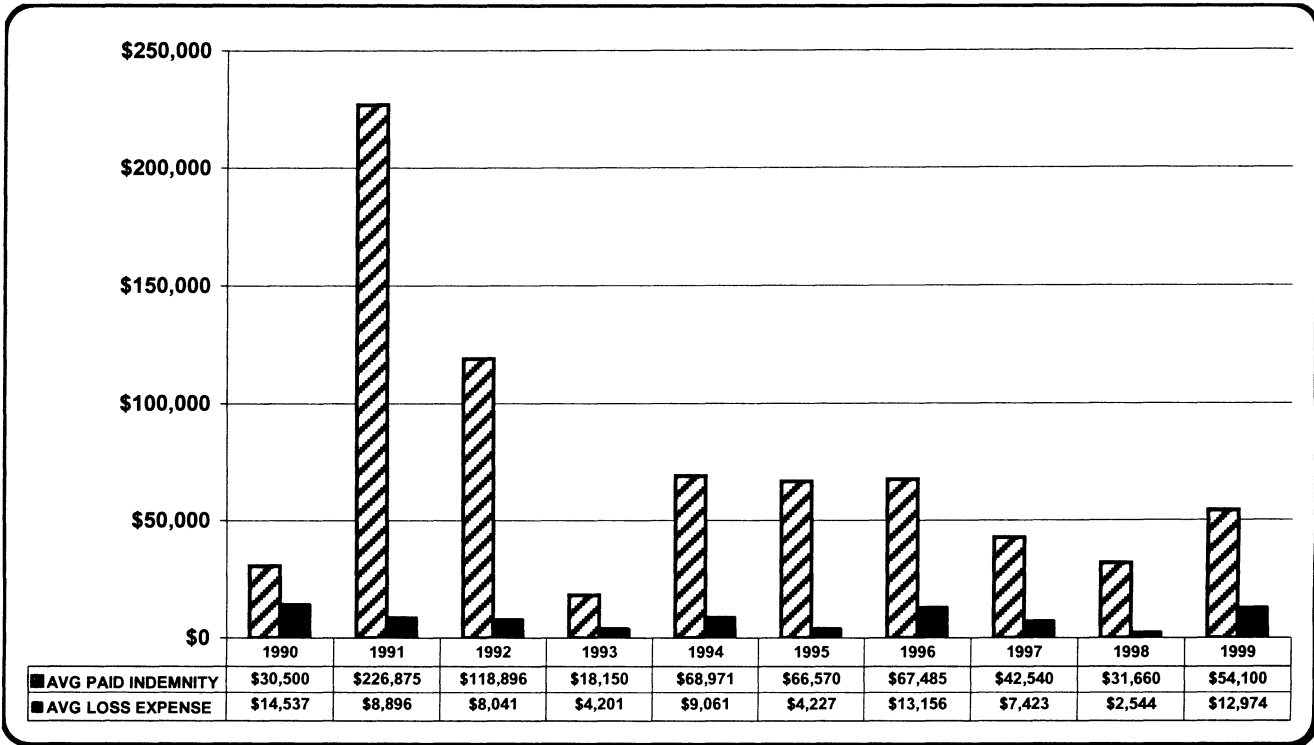


### CLAIM COUNT

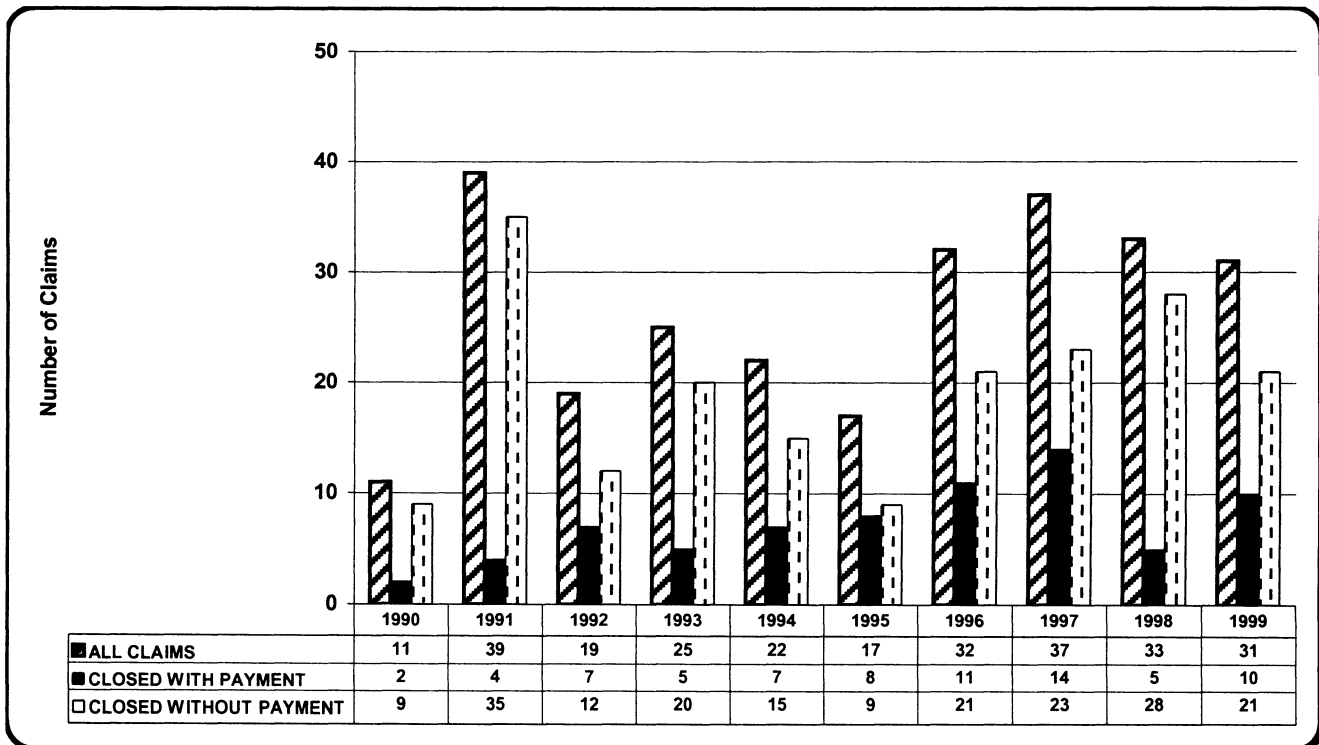


## ESTATE, TRUST & PROBATE

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

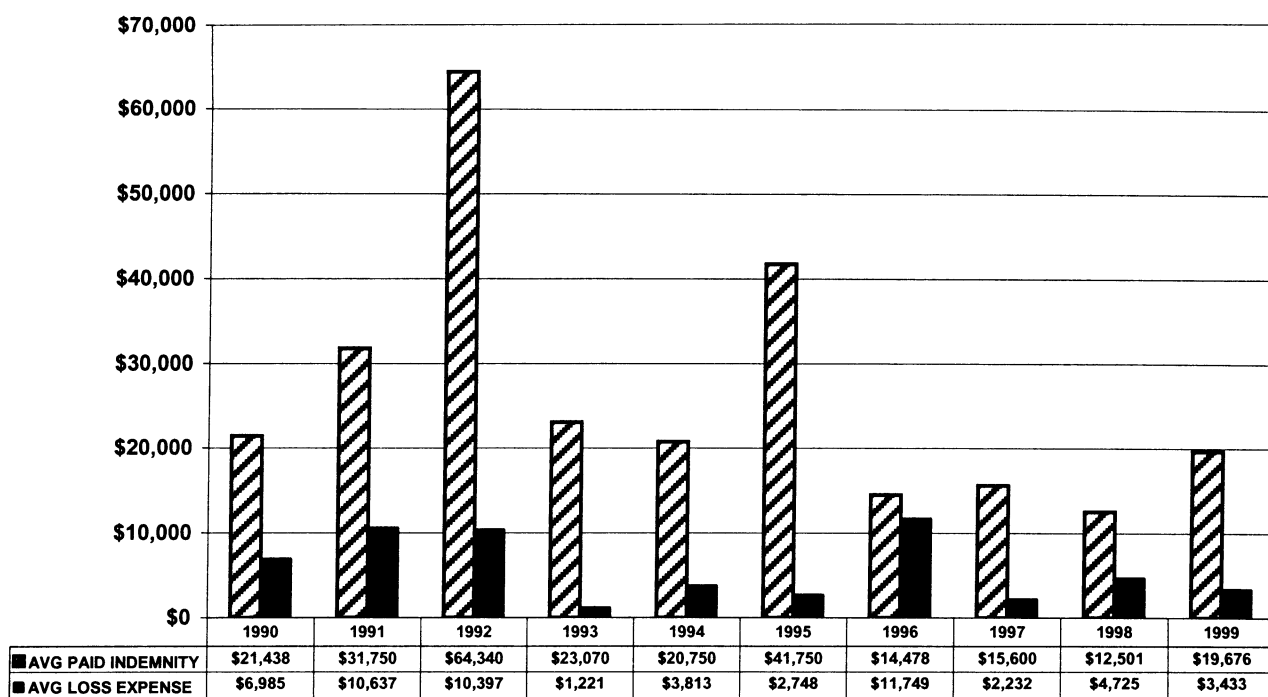


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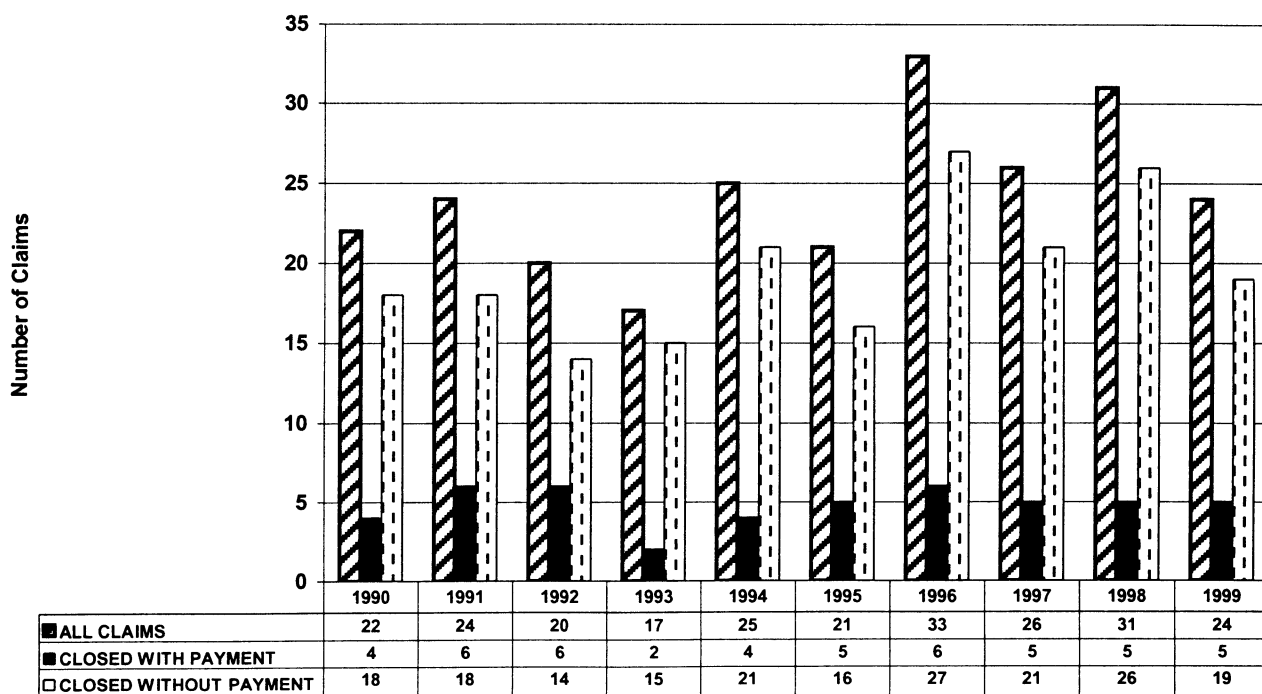


## REAL ESTATE

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

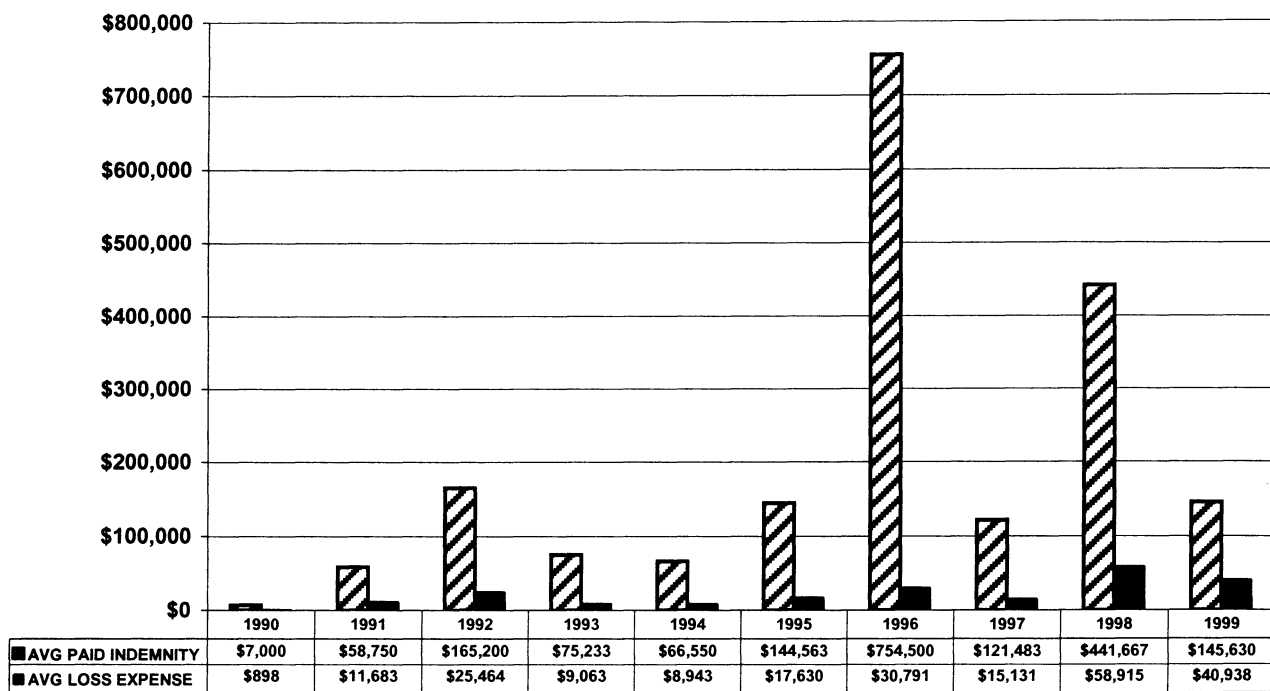


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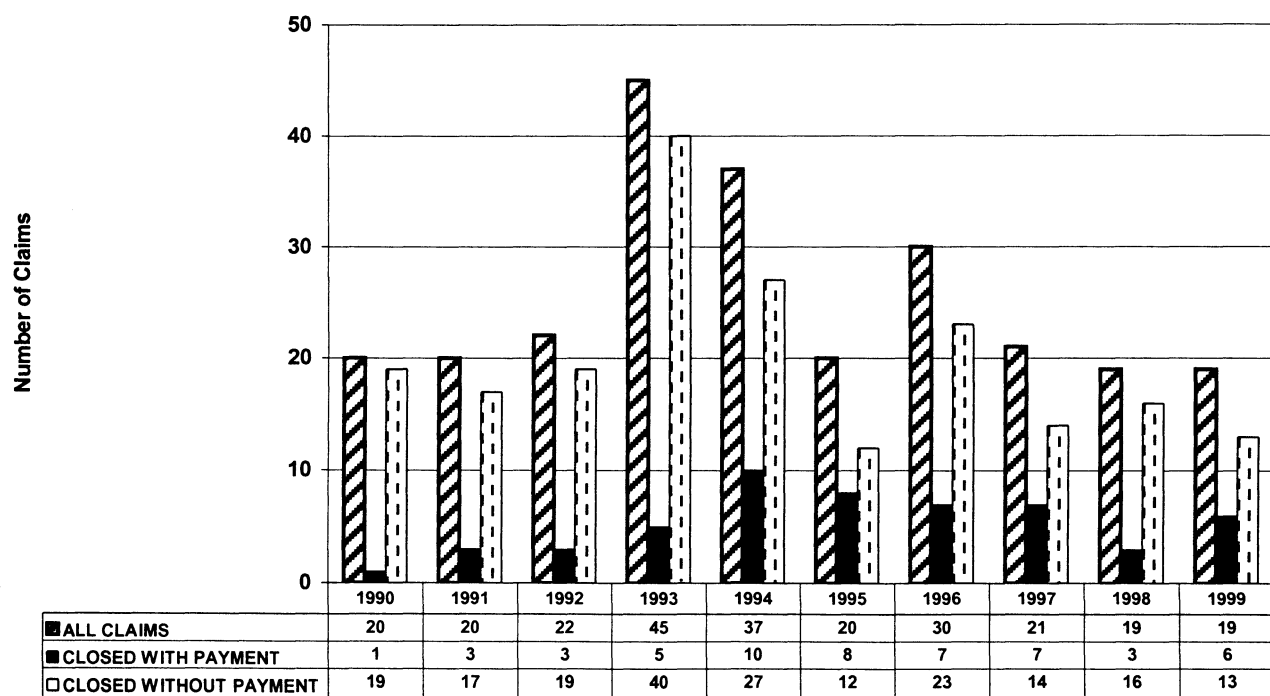


## BUSINESS TRANSACTIONS/COMMERCIAL LAW

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

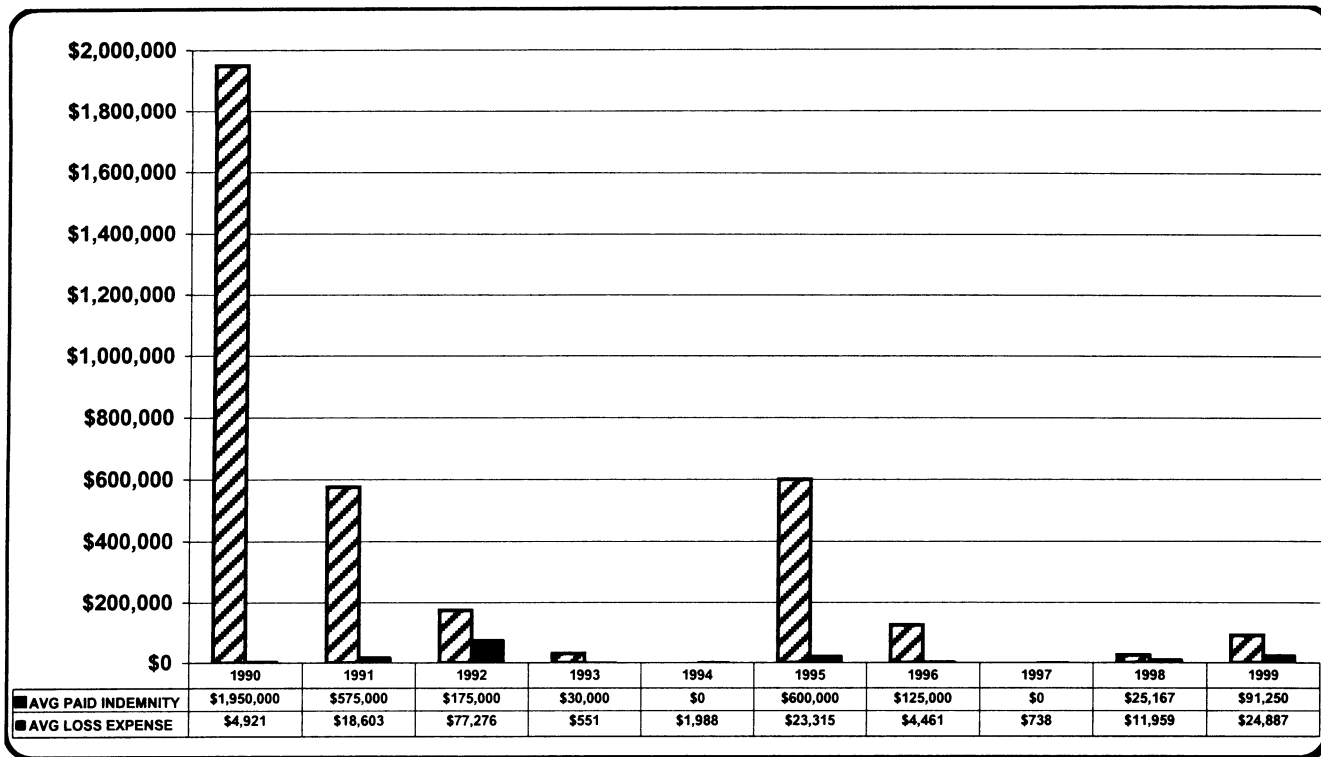


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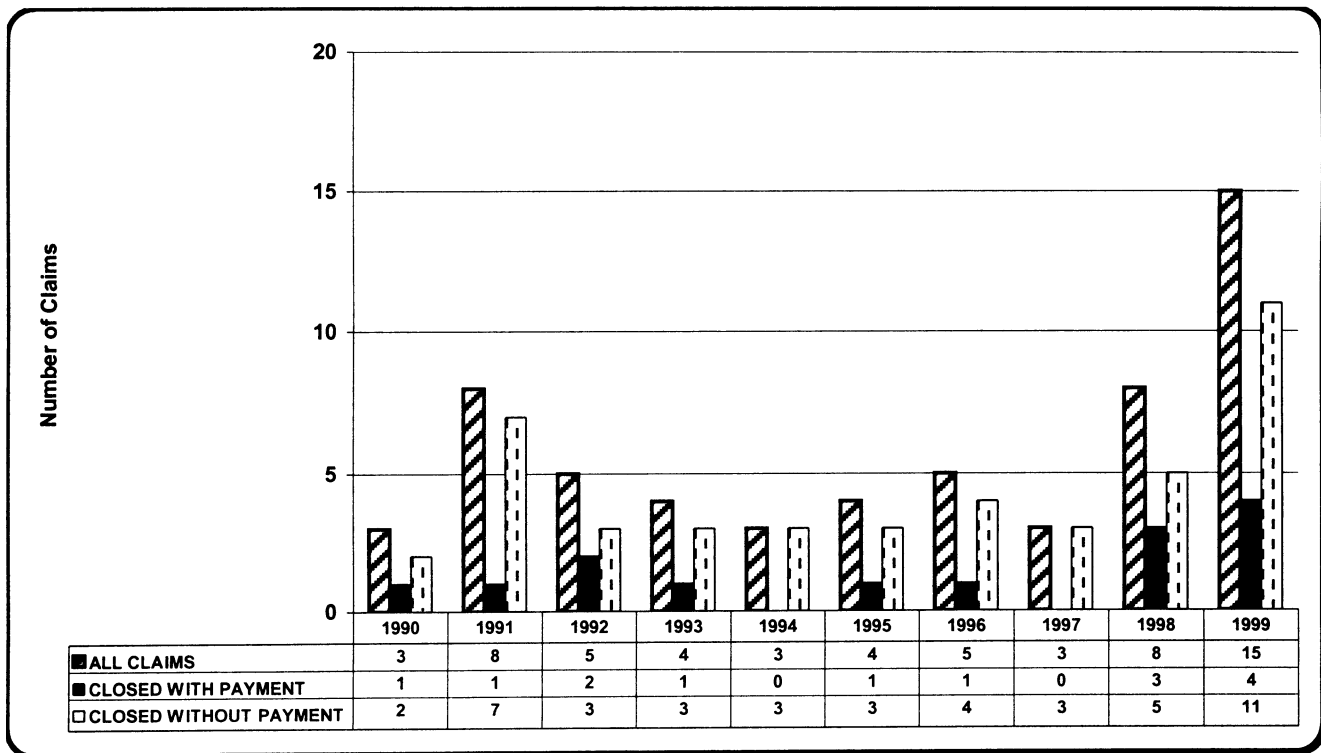


## CORPORATE & BUSINESS ORGANIZATION

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

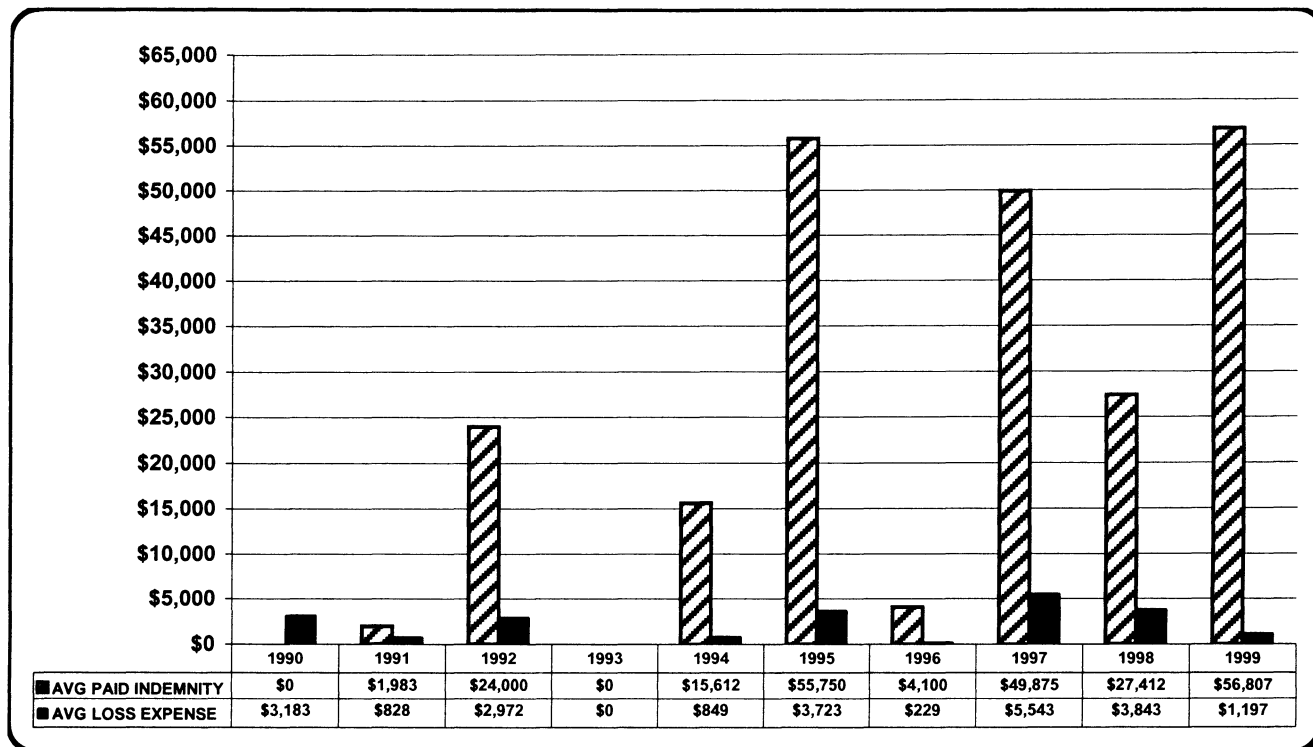


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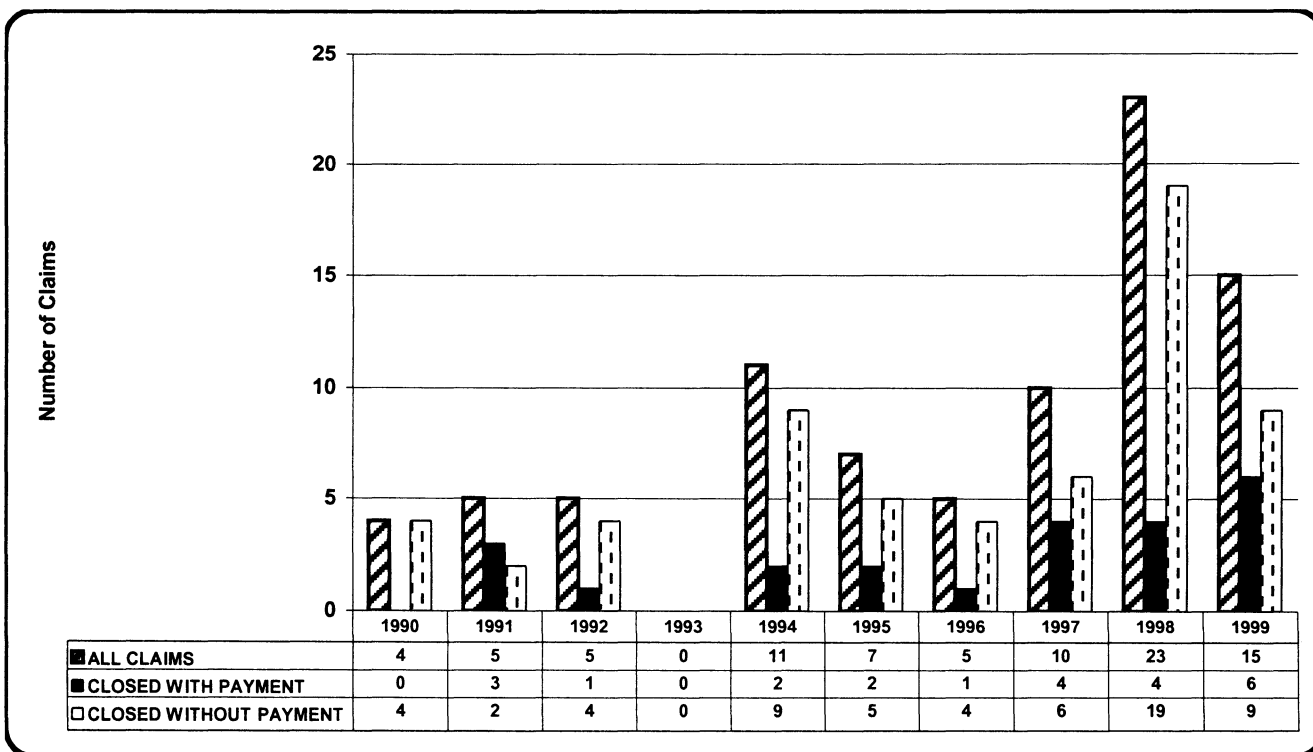


## WORKERS COMPENSATION

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

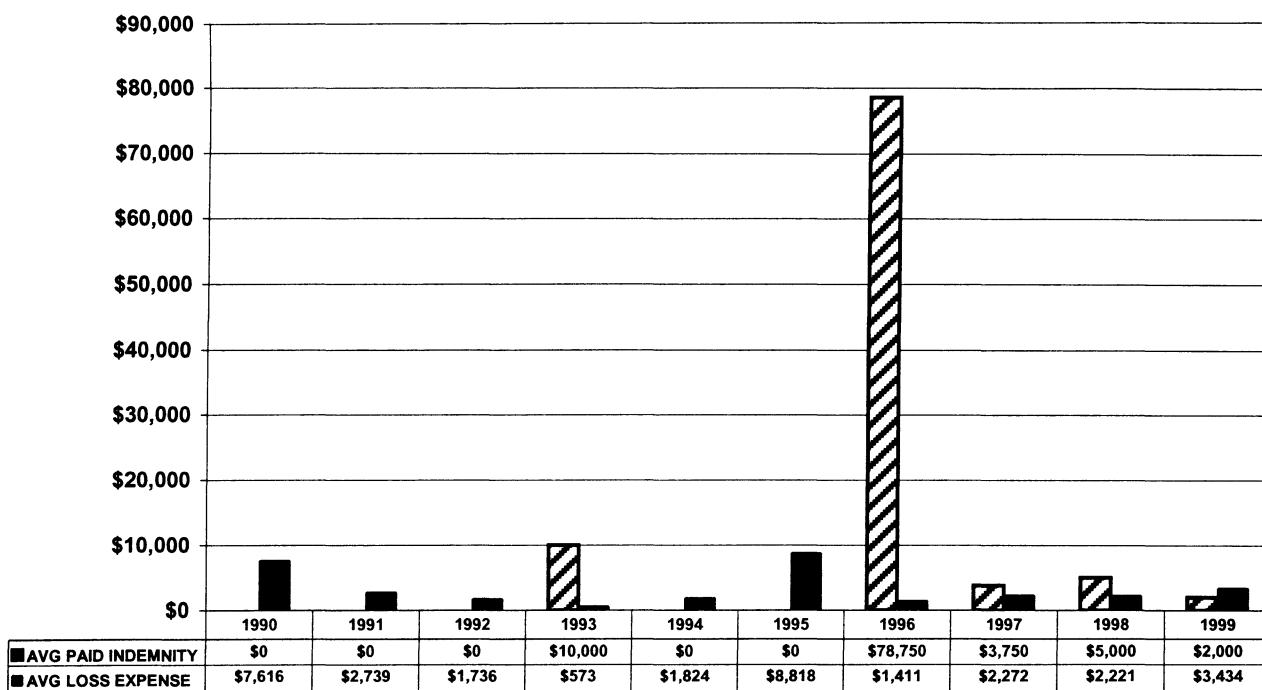


### CLAIM COUNT

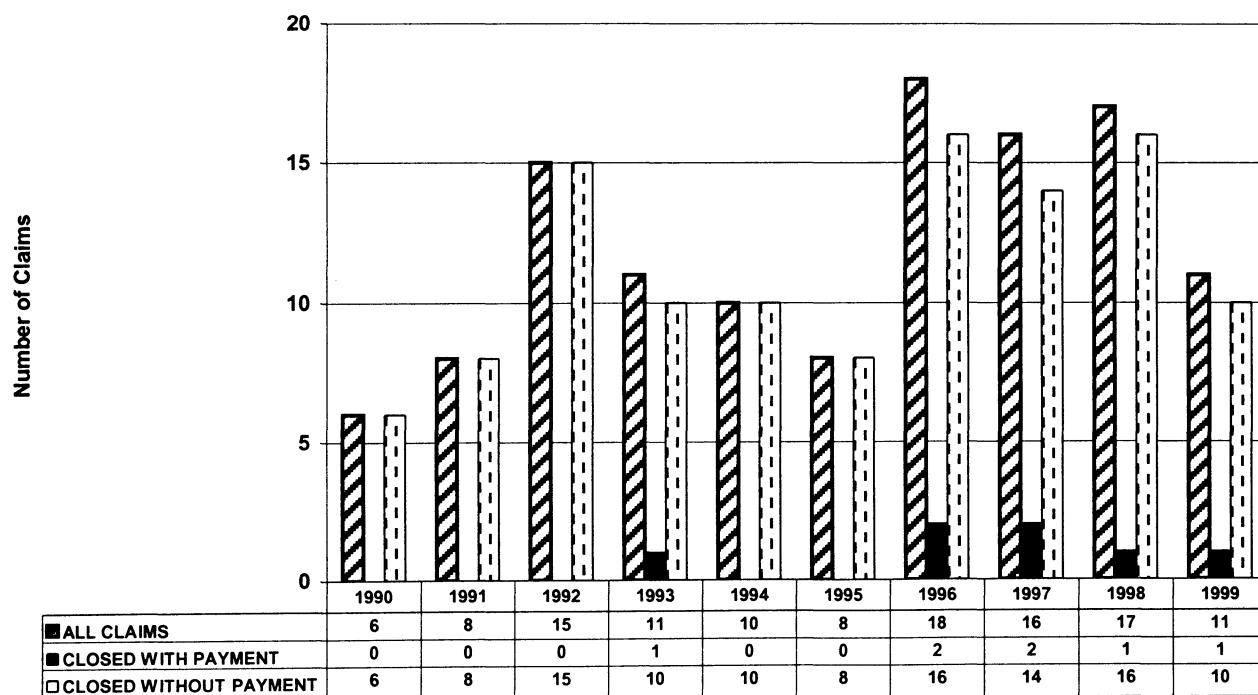


## CRIMINAL

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



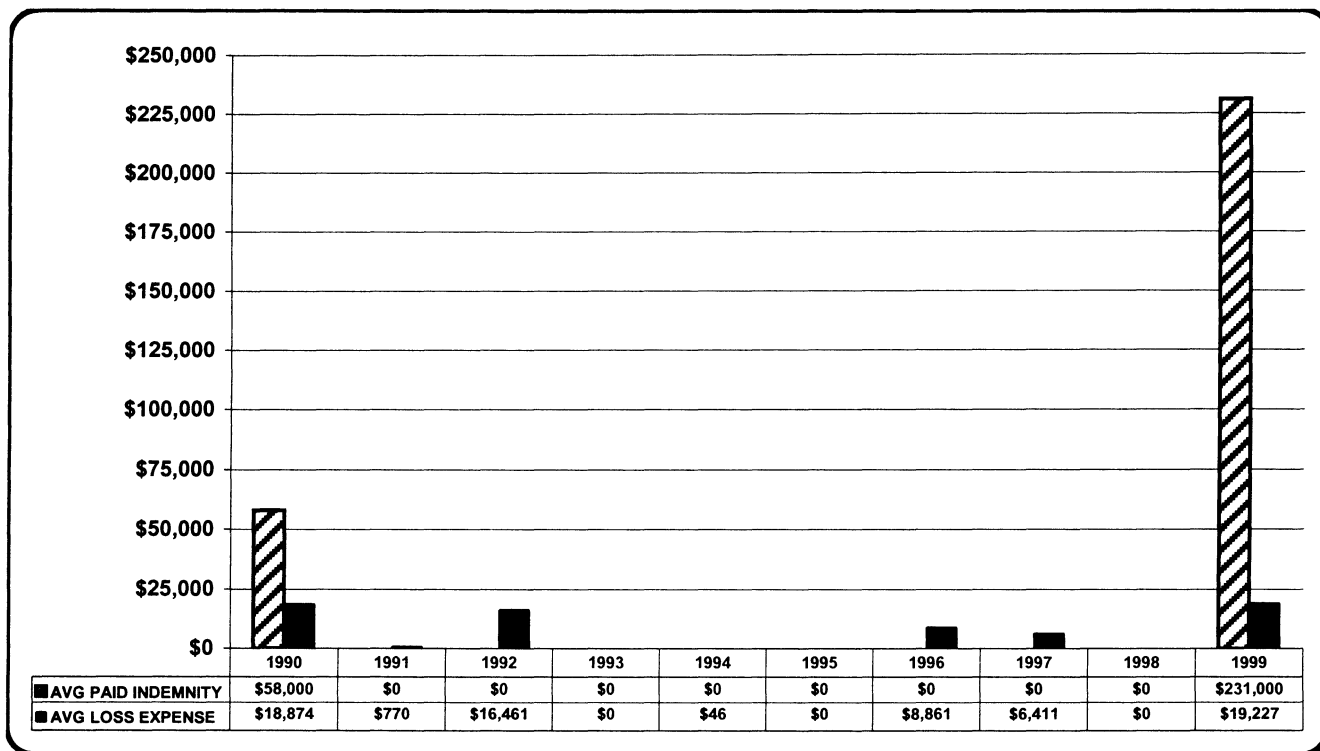
### CLAIM COUNT



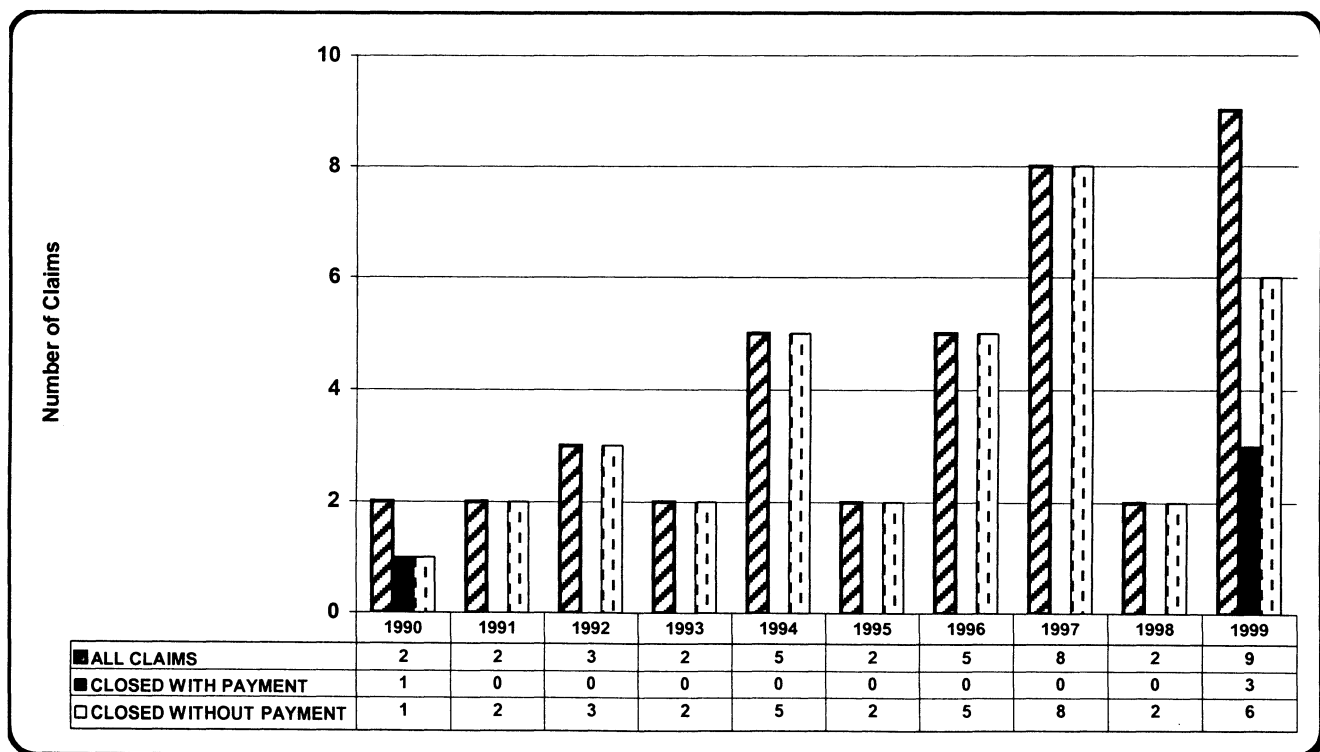


## CIVIL RIGHTS & COMMISSION

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



### CLAIM COUNT



**TEN YEAR SUMMARY  
&  
1999 SUMMARY  
BY  
MAJOR ACTIVITY**



# LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS FOR YEARS 1990 – 1999

MAJOR ACTIVITY CODE	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
COMMENCEMENT OF ACTION OR PROCEEDING	692	206	32.96%	\$66,511	\$13,701,280	18.90%	\$4,985
SETTLEMENT AND NEGOTIATION	329	73	11.68%	\$128,938	\$9,412,471	12.99%	\$10,342
PREPARATION, TRANSMITTAL OR FILING	314	79	12.64%	\$71,906	\$5,680,556	7.84%	\$7,217
PRE-TRIAL, PRE-HEARING	298	81	12.96%	\$109,411	\$8,862,254	12.23%	\$5,872
CONSULTATION OR ADVICE	237	52	8.32%	\$376,418	\$19,573,742	27.01%	\$35,916
OTHER	170	24	3.84%	\$96,206	\$2,308,948	3.19%	\$5,481
TRIAL OR HEARING	149	23	3.68%	\$43,543	\$1,001,500	1.38%	\$5,505
EXPARTE PROCEEDINGS	88	23	3.68%	\$61,706	\$1,419,241	1.96%	\$8,611
APPEAL ACTIVITIES	55	12	1.92%	\$34,834	\$418,013	0.58%	\$10,435
OTHER WRITTEN OPINION	54	11	1.76%	\$170,147	\$1,871,620	2.58%	\$12,910
POST TRIAL OR HEARING	52	8	1.28%	\$15,935	\$127,481	0.18%	\$4,088
INVESTIGATION, OTHER THAN LITIGATION	51	13	2.08%	\$294,889	\$3,833,554	5.29%	\$24,397
TITLE OPINION	30	5	0.80%	\$21,900	\$109,500	0.15%	\$7,029
REFERRAL TO ANOTHER PROFESSIONAL	29	7	1.12%	\$538,536	\$3,769,750	5.20%	\$31,483
TAX REPORTING OR PAYMENT	22	8	1.28%	\$48,409	\$387,270	0.53%	\$13,904
<b>TOTAL</b>	<b>2,570</b>	<b>625</b>	<b>100.00%</b>	<b>\$115,963</b>	<b>\$72,477,180</b>	<b>100.00%</b>	<b>\$10,135</b>

# LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS CLAIMS CLOSED IN 1999

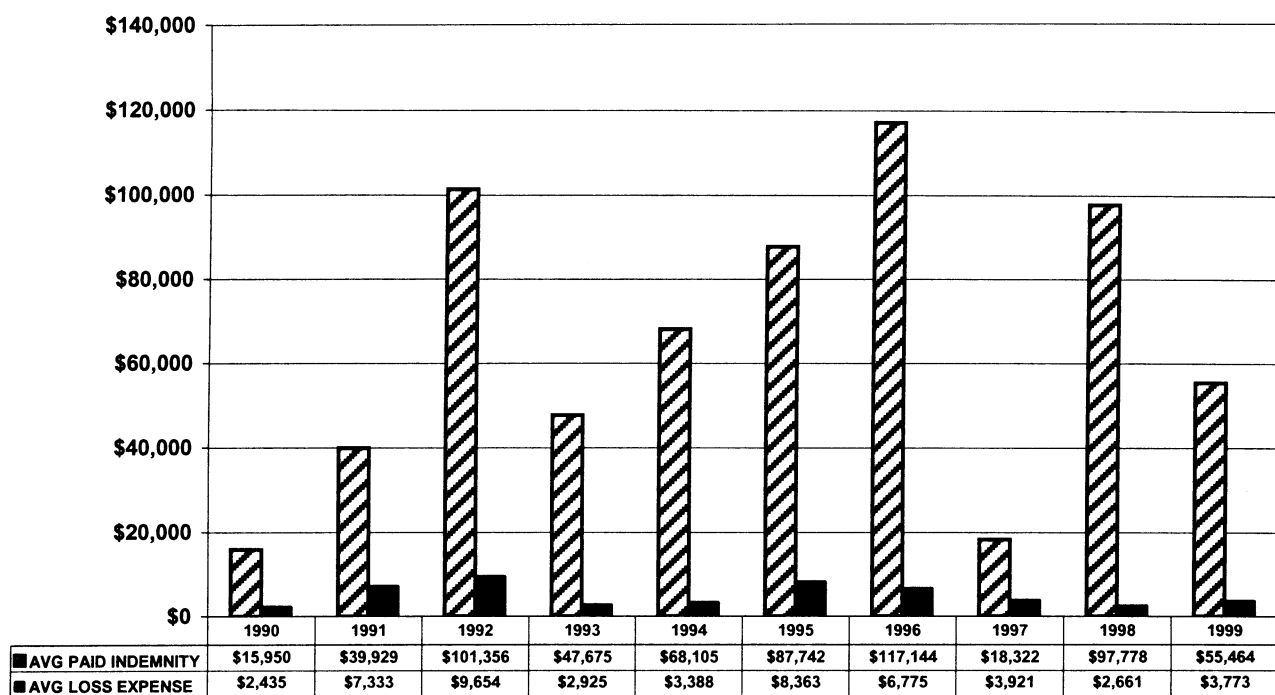
MAJOR ACTIVITY CODE	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
COMMENCEMENT OF ACTION OR PROCEEDING	83	31	34.07%	\$55,464	\$1,719,393	11.76%	\$3,773
OTHER	67	10	10.99%	\$56,600	\$566,000	3.87%	\$2,013
PREPARATION, TRANSMITTAL OR FILING	45	13	14.29%	\$56,538	\$735,000	5.03%	\$7,111
SETTLEMENT AND NEGOTIATION	26	11	12.09%	\$63,177	\$694,944	4.75%	\$9,325
CONSULTATION OR ADVICE	22	6	6.59%	\$1,623,866	\$9,743,194	66.65%	\$213,738
PRE-TRIAL, PRE-HEARING	22	7	7.69%	\$50,064	\$350,450	2.40%	\$10,151
TRIAL OR HEARING	13	4	4.40%	\$22,750	\$91,000	0.62%	\$13,498
EXPARTE PROCEEDINGS	12	4	4.40%	\$53,125	\$212,500	1.45%	\$13,334
POST TRIAL OR HEARING	7	1	1.10%	\$18,381	\$18,381	0.13%	\$13,708
APPEAL ACTIVITIES	6	3	3.30%	\$7,356	\$22,068	0.15%	\$1,540
INVESTIGATION, OTHER THAN LITIGATION	6	0	0.00%	\$0	\$0	0.00%	\$6,706
OTHER WRITTEN OPINION	4	0	0.00%	\$0	\$0	0.00%	\$3,905
TITLE OPINION	2	0	0.00%	\$0	\$0	0.00%	\$17,921
REFERRAL TO ANOTHER PROFESSIONAL	1	1	1.10%	\$465,000	\$465,000	3.18%	\$27,821
TAX REPORTING OR PAYMENT	1	0	0.00%	\$0	\$0	0.00%	\$172,744
<b>TOTAL</b>	<b>317</b>	<b>91</b>	<b>100.00%</b>	<b>\$160,637</b>	<b>\$14,617,930</b>	<b>100.00%</b>	<b>\$21,038</b>

**TRENDS  
OF THE TOP TEN  
MAJOR ACTIVITY  
OF 1999**

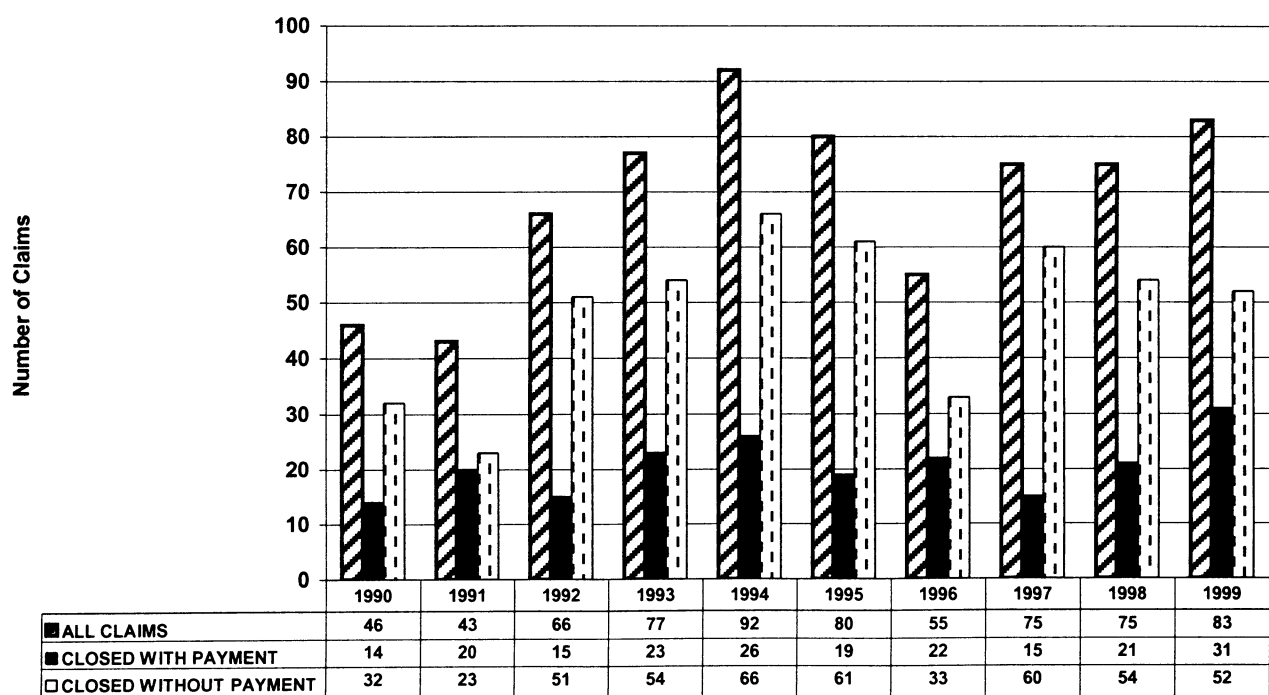


## COMMENCEMENT OF ACTION OR PROCEEDING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



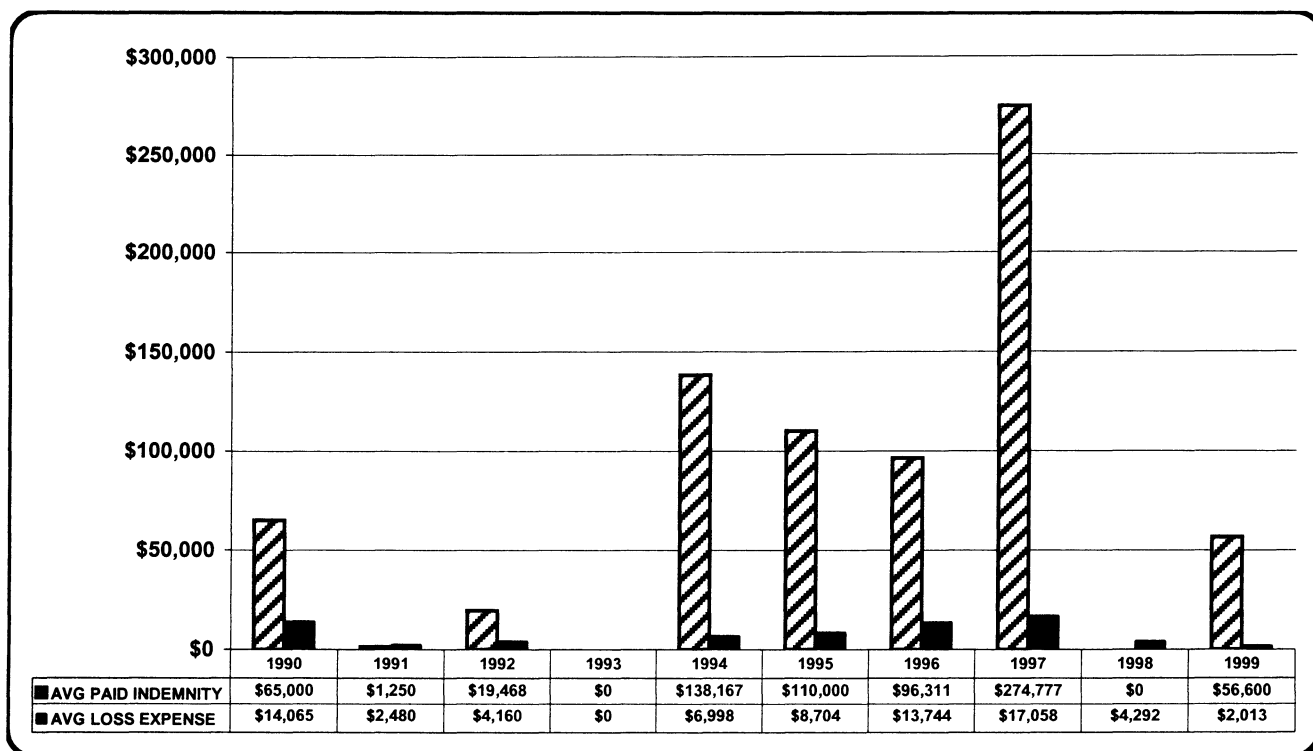
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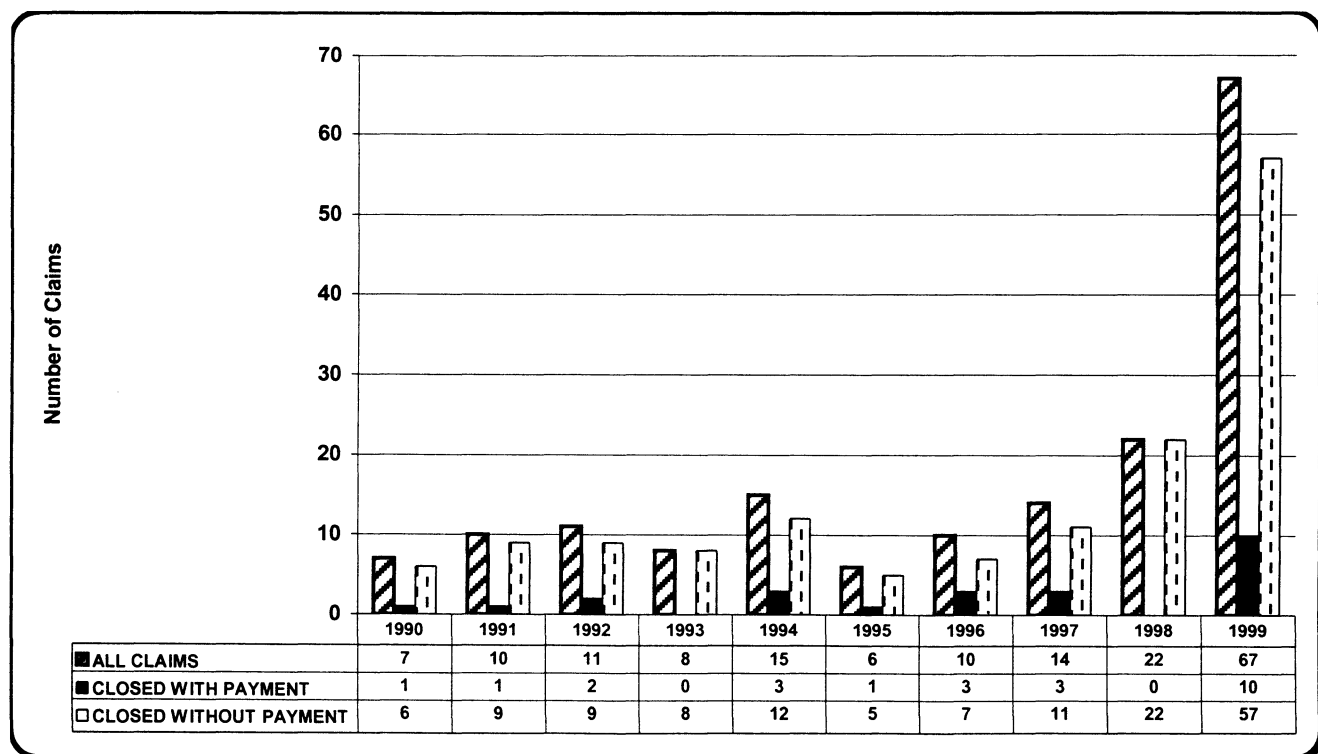


## OTHER

## AVERAGE PAID INDEMNITY &amp; AVERAGE LOSS EXPENSE

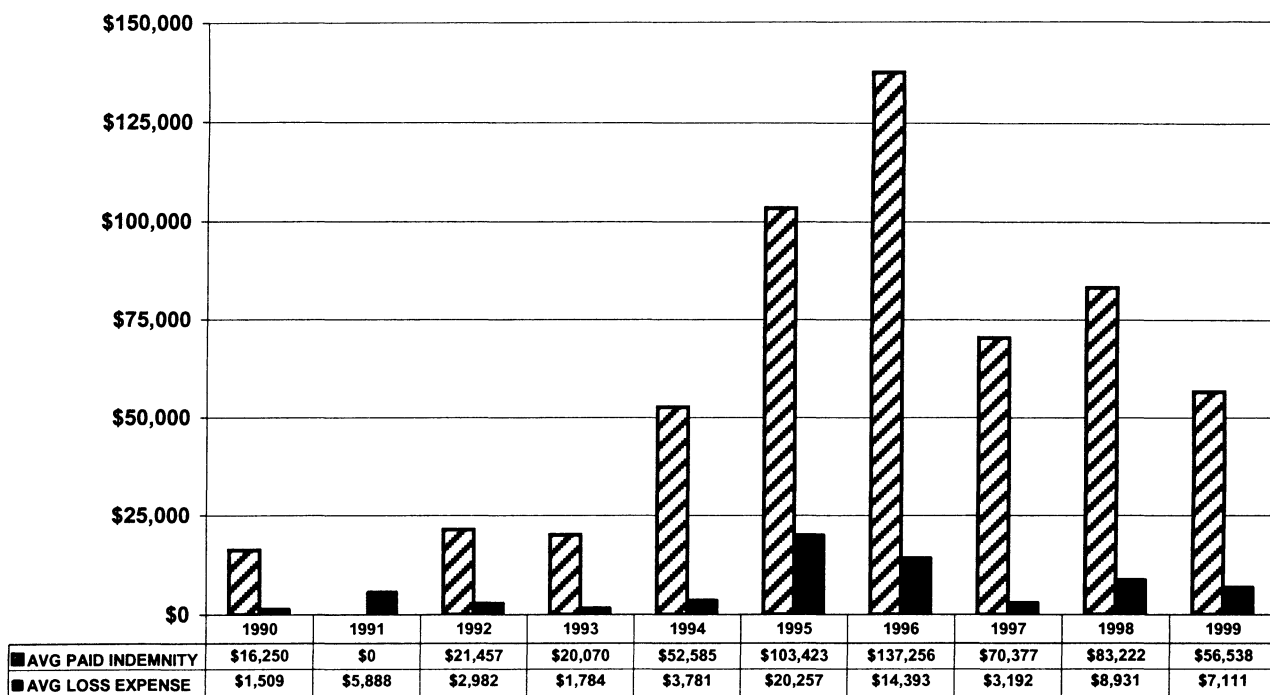


## CLAIM COUNT

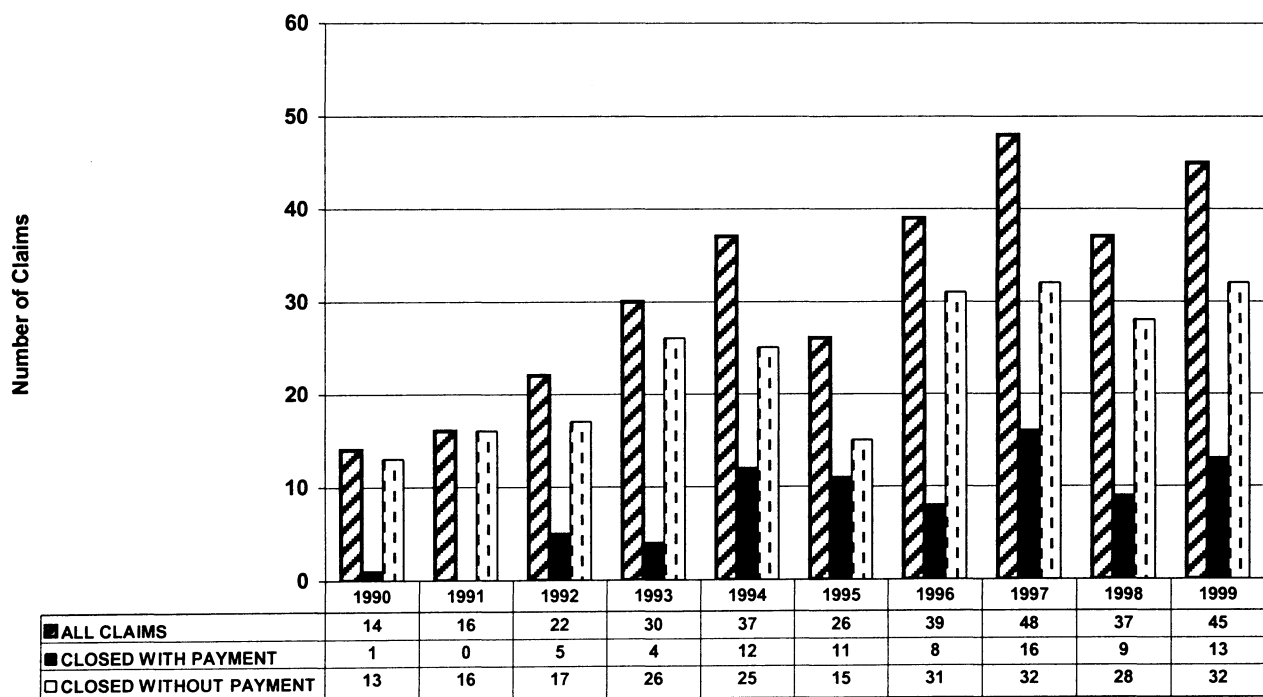


## PREPARATION, TRANSMITTAL OR FILING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

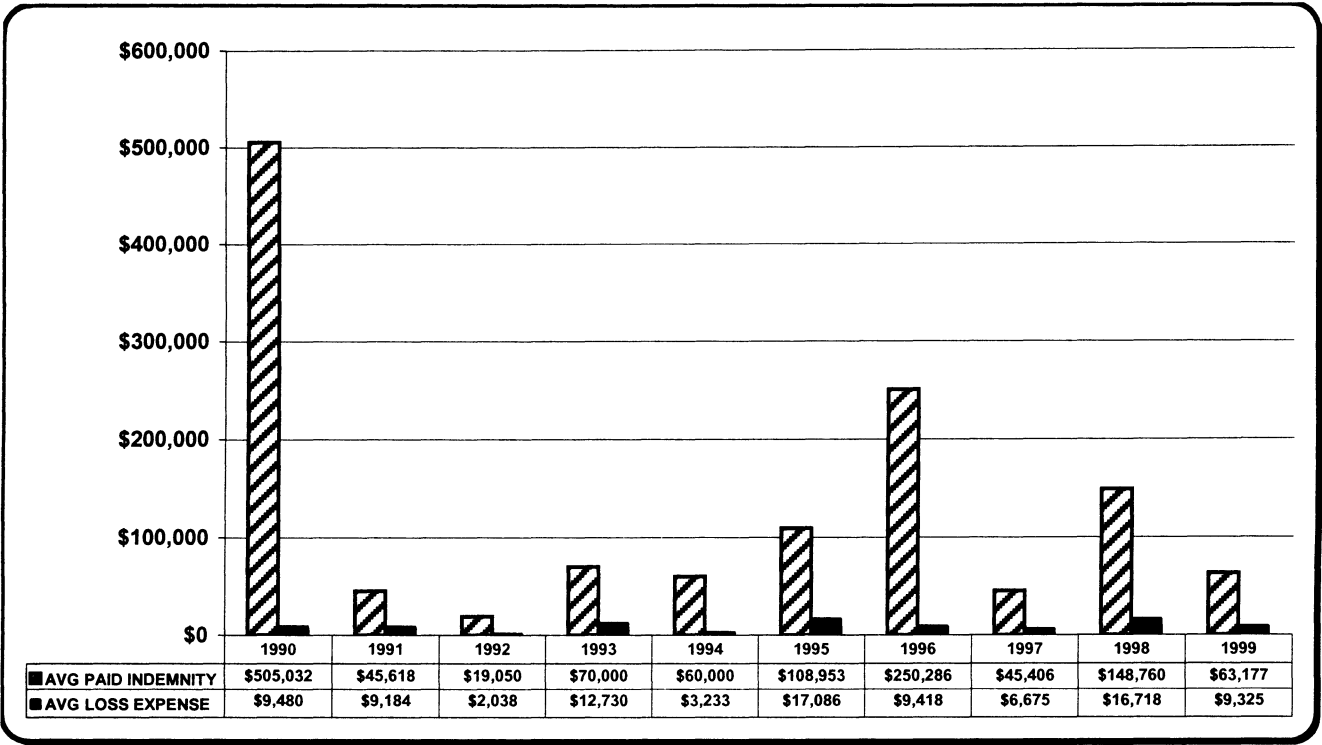


### CLAIM COUNT

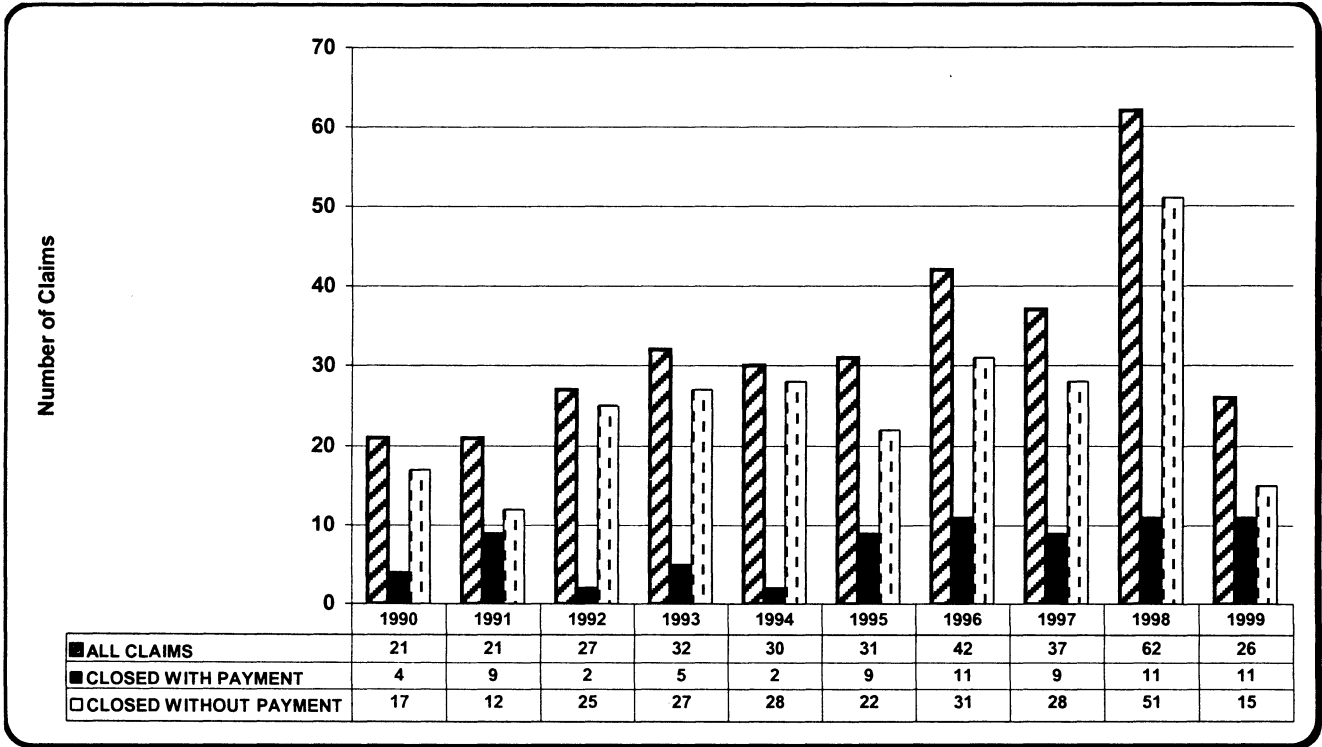


SETTLEMENT AND NEGOTIATION

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

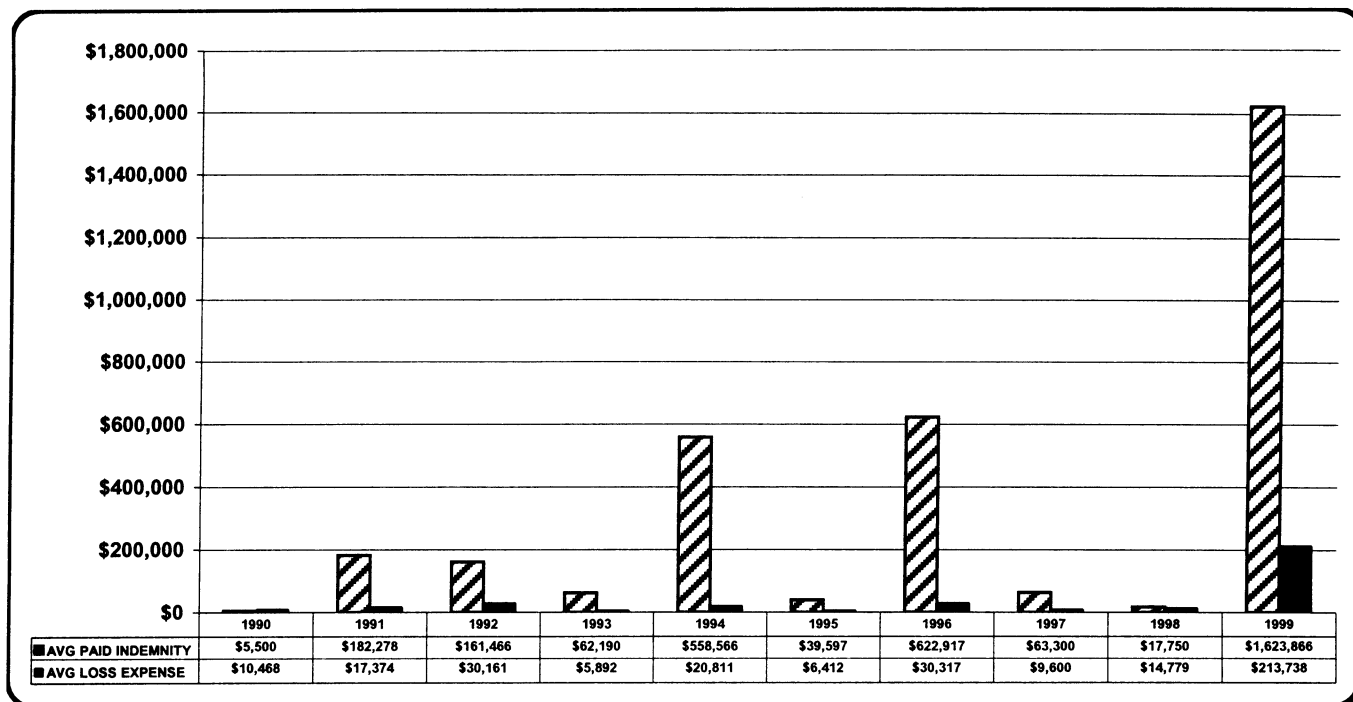


CLAIM COUNT

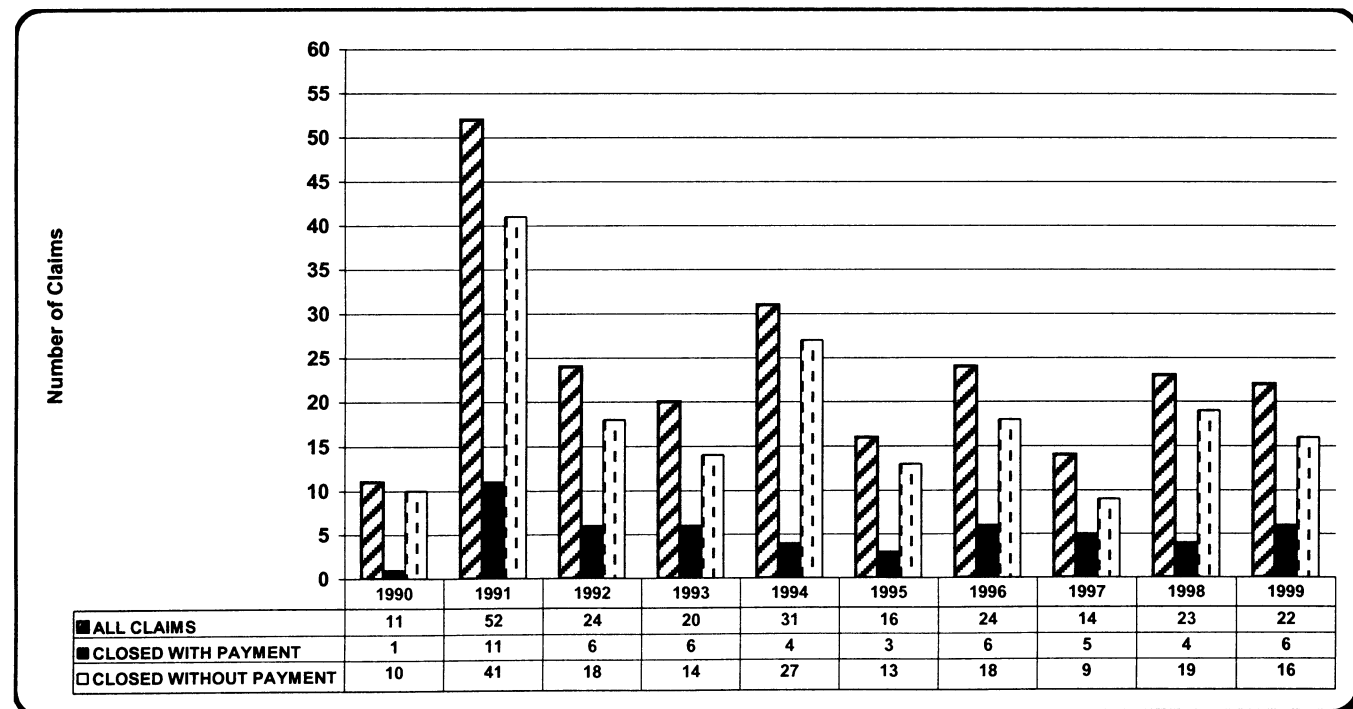


## CONSULTATION OR ADVICE

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

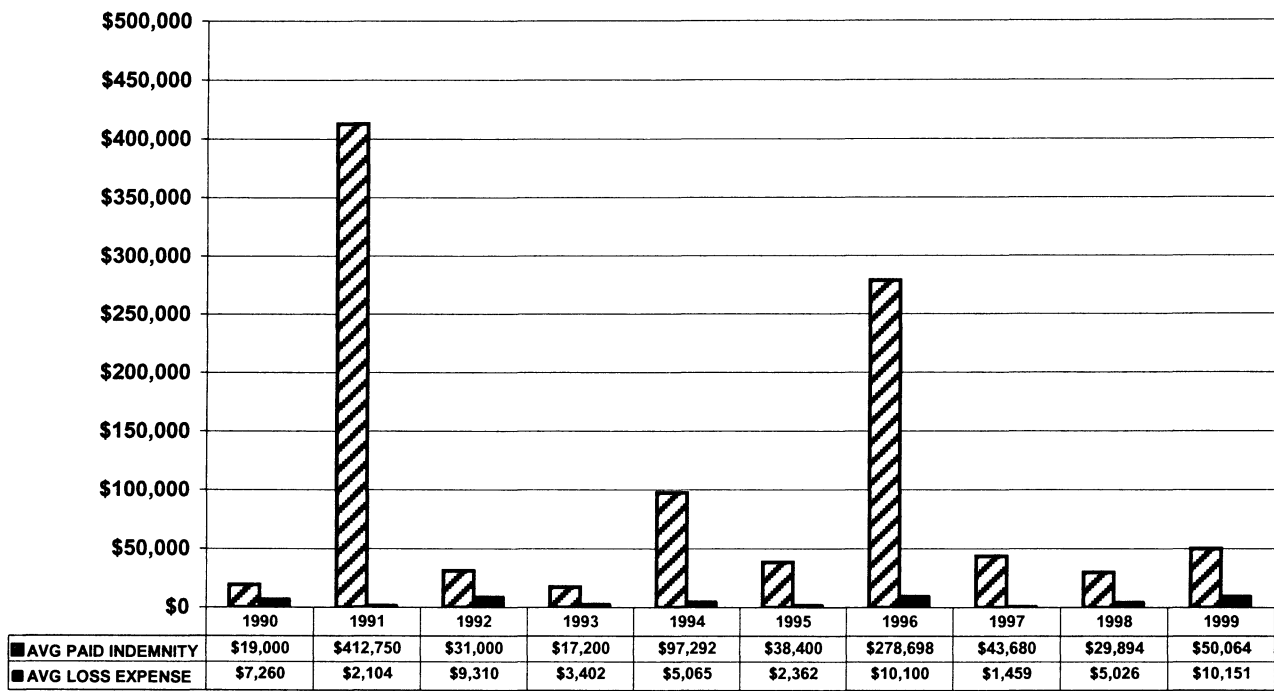


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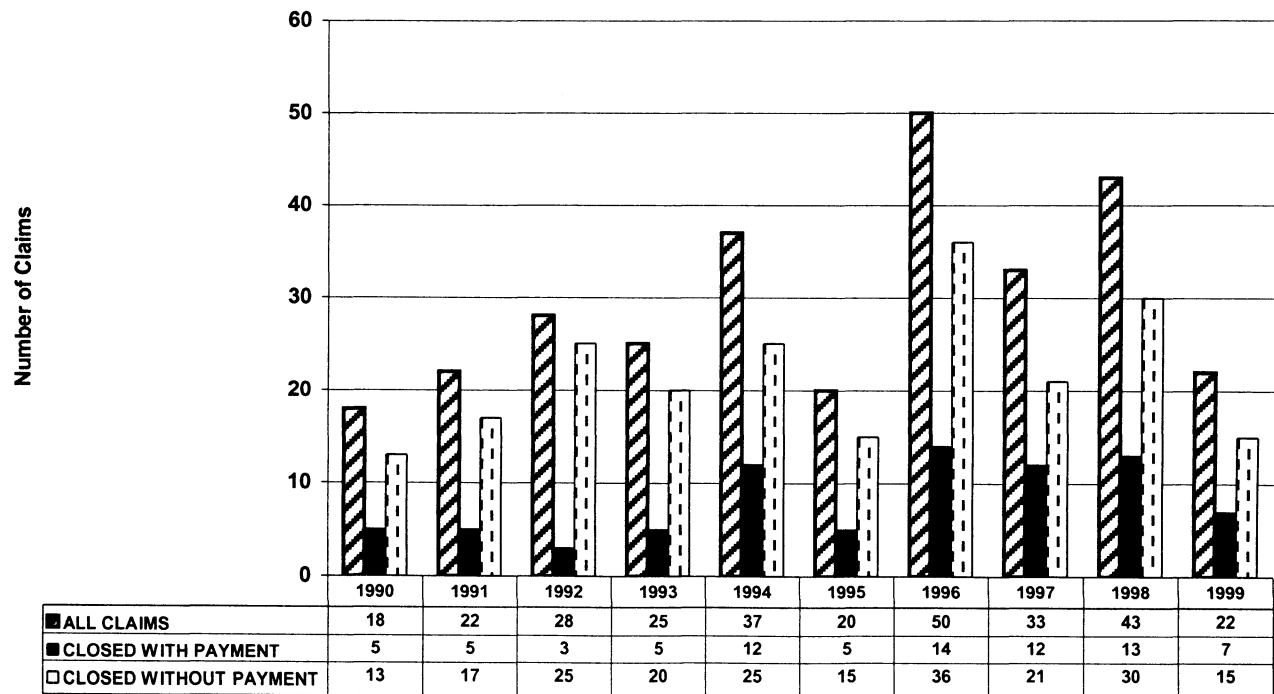


**PRE-TRIAL, PRE-HEARING**

**AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE**

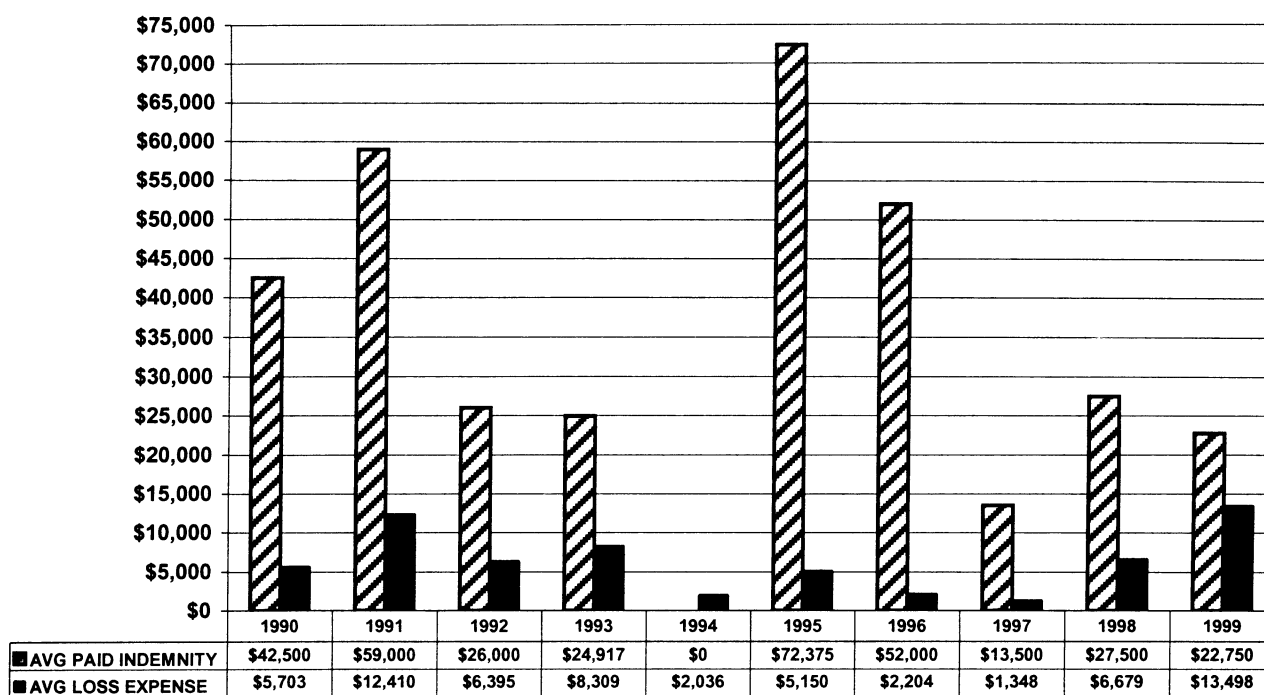


**CLAIM COUNT**

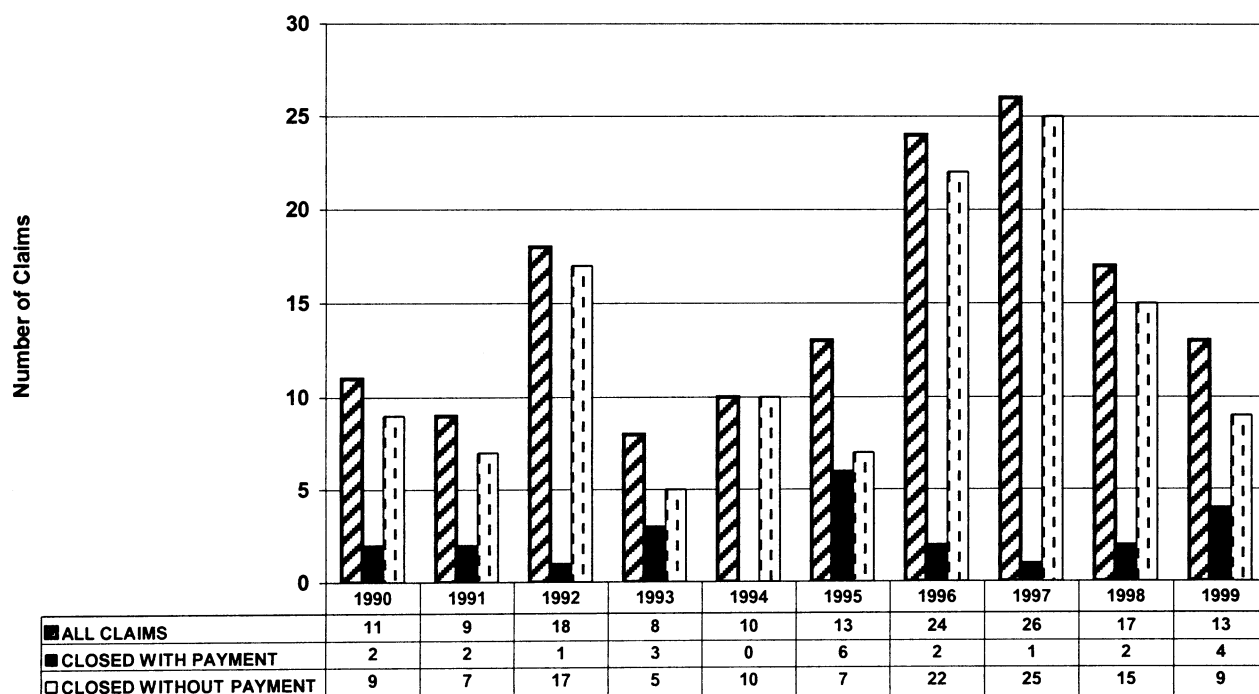


## TRIAL OR HEARING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

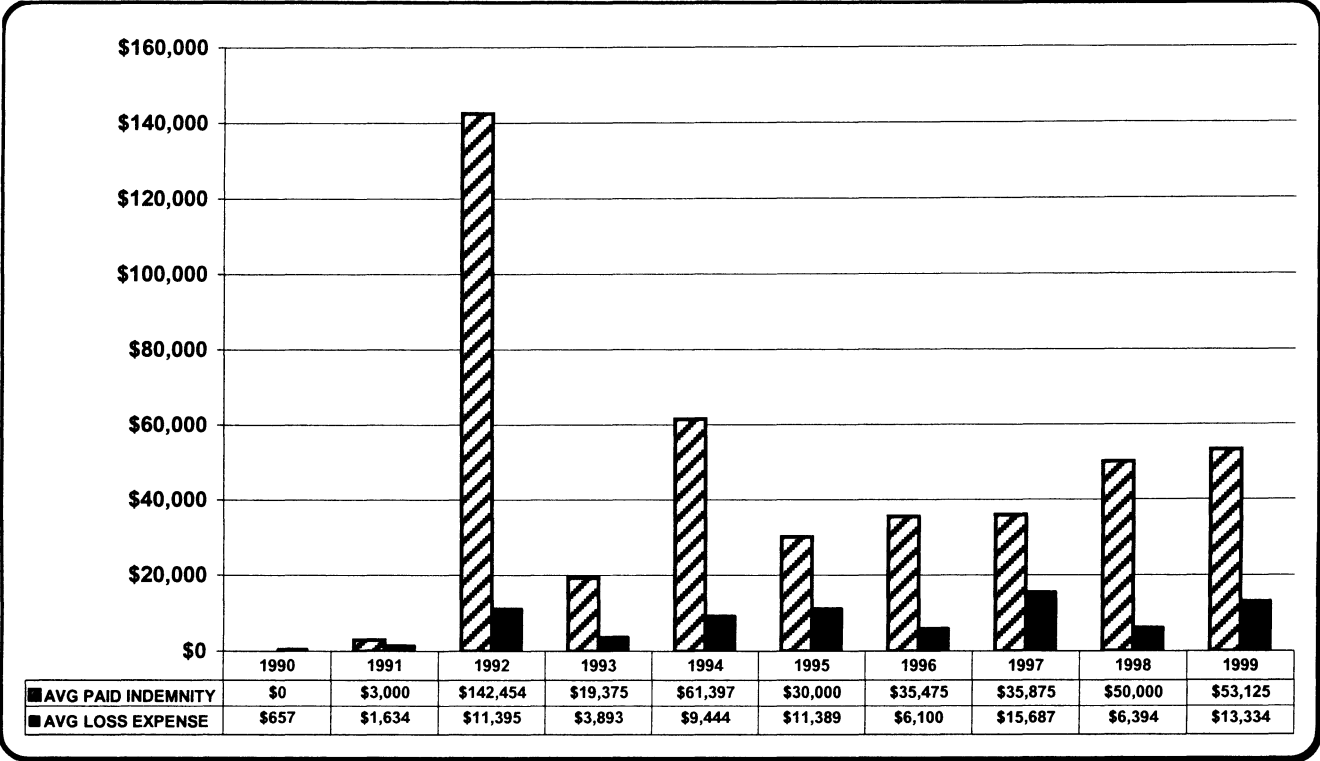


## CLAIM COUNT

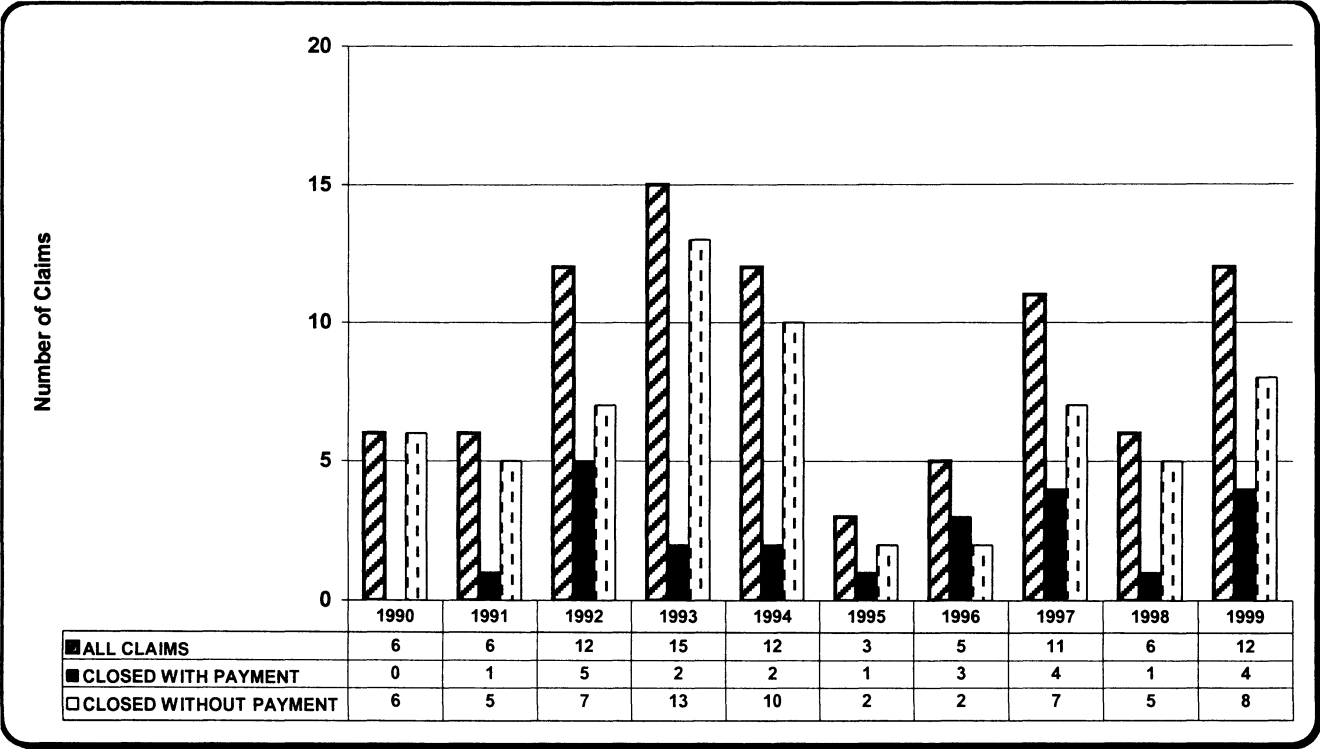


EXPARTE PROCEEDINGS

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

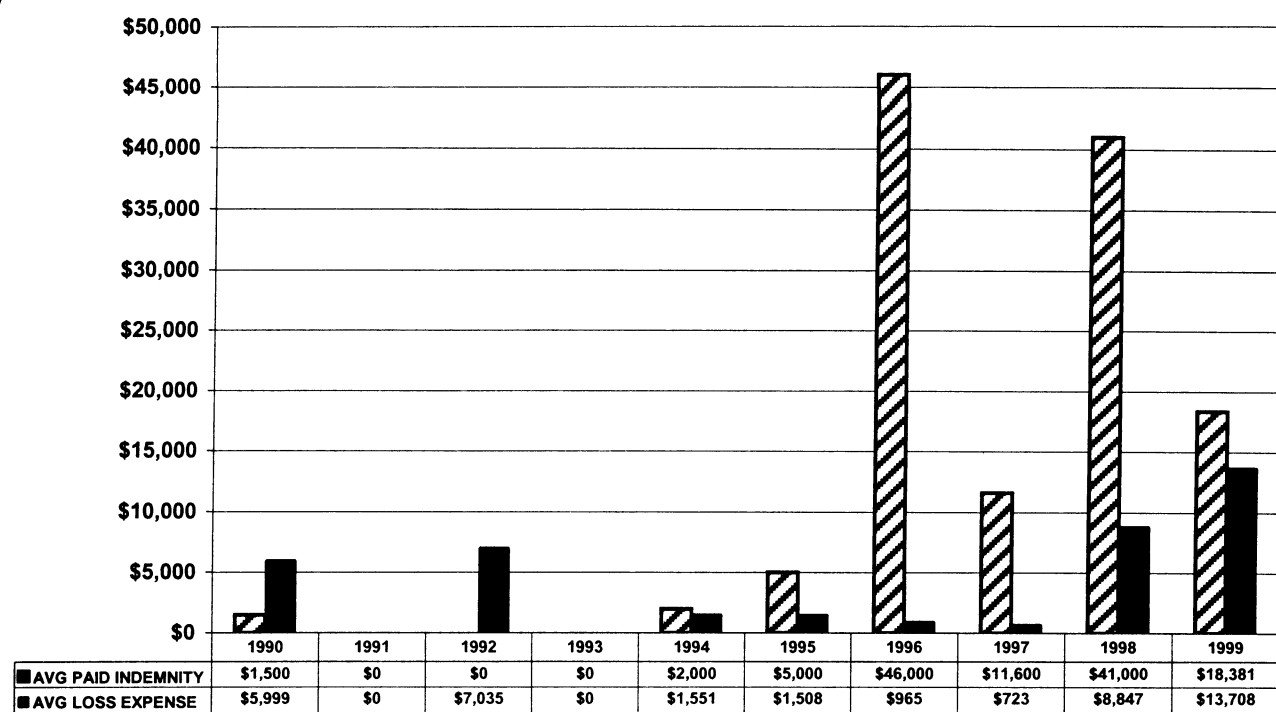


CLAIM COUNT

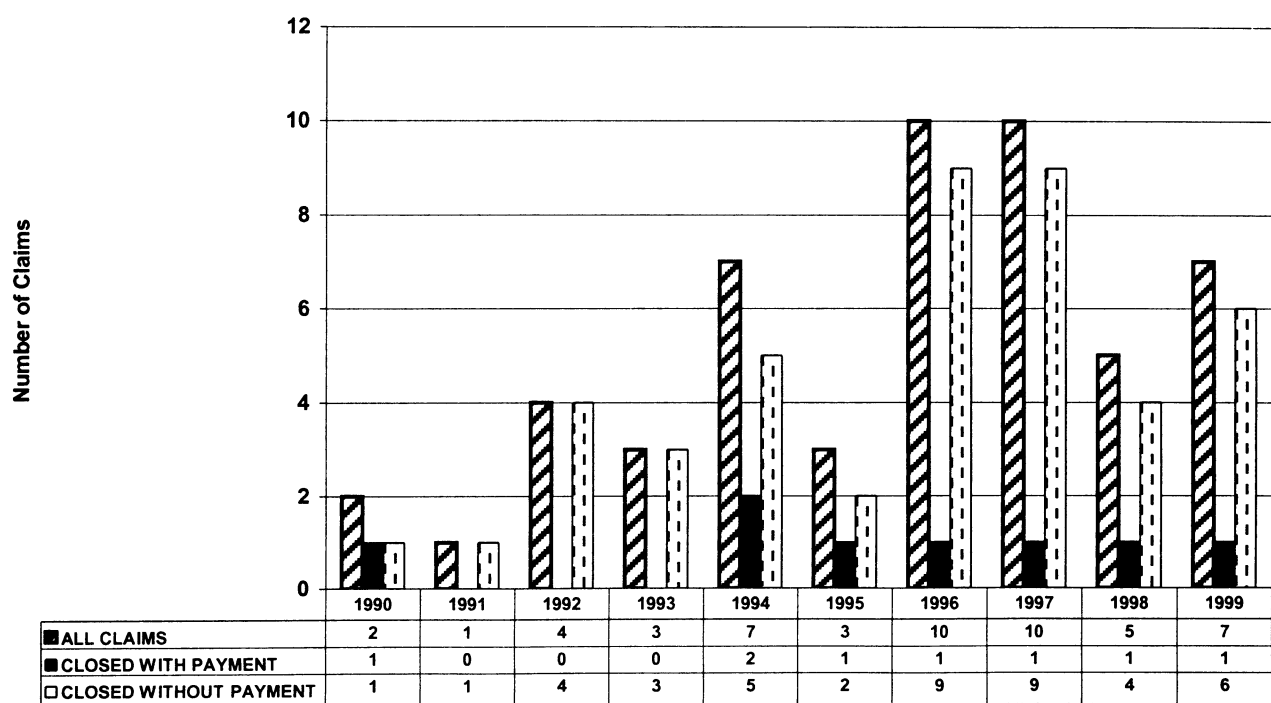


## POST TRIAL OR HEARING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



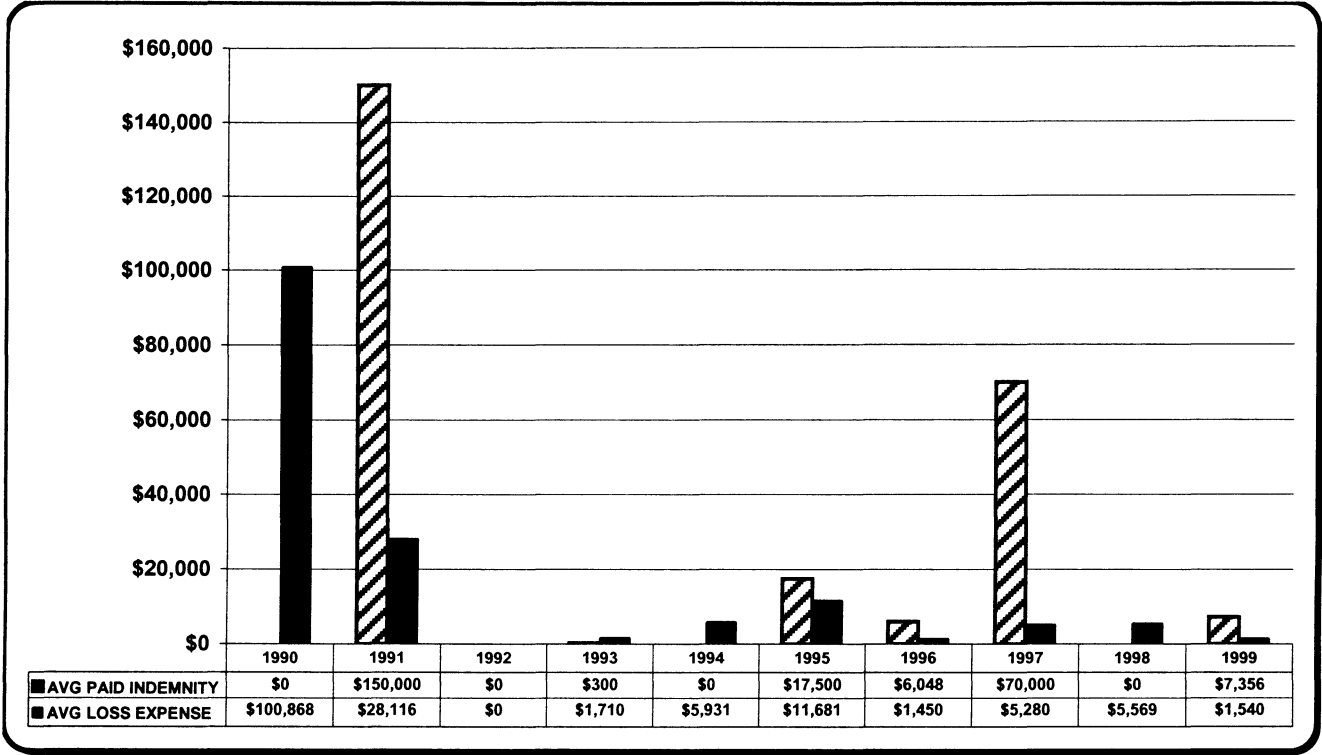
### CLAIM COUNT



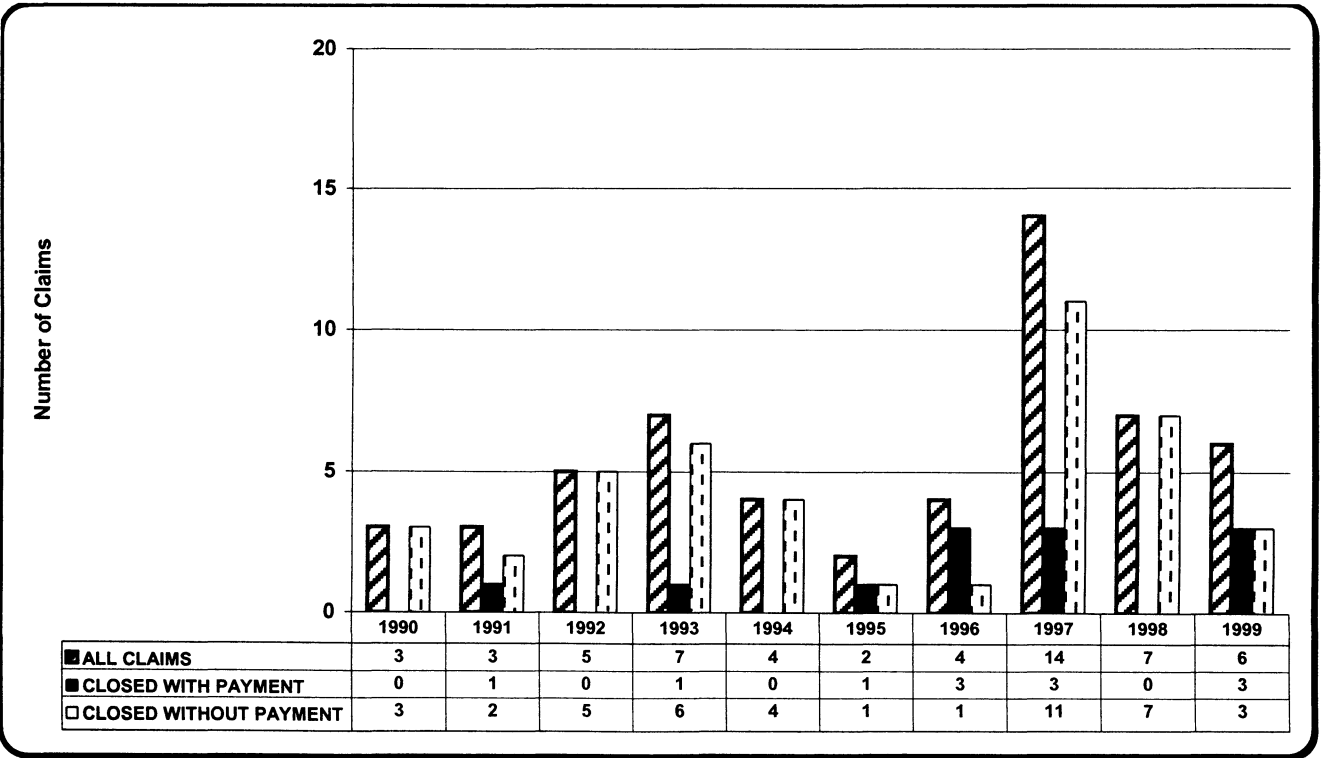


APPEAL ACTIVITIES

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



CLAIM COUNT



**TEN YEAR SUMMARY  
&  
1999 SUMMARY  
BY  
ALLEGED ERRORS OR OMISSIONS**



# LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS FOR YEARS 1990 – 1999

ERROR OR OMISSION	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
PLANNING OR STRATEGY ERROR	340	71	11.36%	\$105,022	\$7,456,529	10.29%	\$8,807
FAIL TO ASCERTAIN DEADLINE CORRECTLY	330	132	21.12%	\$60,014	\$7,921,868	10.93%	\$3,316
FAIL TO KNOW OR PROPERLY APPLY THE LAW	223	62	9.92%	\$143,793	\$8,915,174	12.30%	\$11,965
PROCRASTINATION OR LACK OF FOLLOW-UP	221	44	7.04%	\$81,378	\$3,580,648	4.94%	\$2,833
MALICIOUS PROSECUTION OR ABUSE OF PROCESS	178	25	4.00%	\$31,138	\$778,459	1.07%	\$6,083
INADEQUATE INVESTIGATION	158	38	6.08%	\$172,471	\$6,553,903	9.04%	\$15,931
CONFLICT OF INTEREST	156	35	5.60%	\$294,242	\$10,298,463	14.21%	\$14,330
FAIL TO FOLLOW CLIENTS INSTRUCTIONS	144	31	4.96%	\$82,159	\$2,546,943	3.51%	\$5,177
FRAUD	128	17	2.72%	\$755,572	\$12,844,722	17.72%	\$52,528
FAIL TO OBTAIN CLIENTS CONSENT	125	29	4.64%	\$101,638	\$2,947,489	4.07%	\$12,770
FAILURE TO CALENDAR PROPERLY	114	42	6.72%	\$30,206	\$1,268,645	1.75%	\$2,983
OTHER	107	23	3.68%	\$63,092	\$1,451,112	2.00%	\$10,762
VIOLATION OF CIVIL RIGHTS	90	5	0.80%	\$219,050	\$1,095,248	1.51%	\$6,199
FAIL TO ANTICIPATE TAX CONSEQUENCES	46	15	2.40%	\$43,023	\$645,346	0.89%	\$8,983
FAILURE TO REACT TO CALENDAR	46	19	3.04%	\$46,198	\$877,755	1.21%	\$7,540
IMPROPER WITHDRAWAL FROM REPRESENTATION	36	8	1.28%	\$30,563	\$244,500	0.34%	\$9,049
CLERICAL ERROR	33	7	1.12%	\$60,529	\$423,702	0.58%	\$4,254
FAIL TO FILE DOCUMENTS WITH NO DEADLINE	30	12	1.92%	\$38,996	\$467,948	0.65%	\$5,898
ERROR IN PUBLIC RECORD SEARCH	29	4	0.64%	\$40,125	\$160,500	0.22%	\$4,208
LIBEL OR SLANDER	22	1	0.16%	\$11,000	\$11,000	0.02%	\$2,516
LOST FILE, DOCUMENT OR EVIDENCE	8	3	0.48%	\$655,223	\$1,965,670	2.71%	\$5,433
ERROR IN MATHEMATICAL CALCULATION	6	2	0.32%	\$10,779	\$21,558	0.03%	\$15,137
<b>TOTAL</b>	<b>2,570</b>	<b>625</b>	<b>100.00%</b>	<b>\$115,963</b>	<b>\$72,477,180</b>	<b>100.00%</b>	<b>\$10,135</b>

# LEGAL MALPRACTICE INSURANCE

## INDEMNITY ANALYSIS

### CLAIMS CLOSED IN 1999

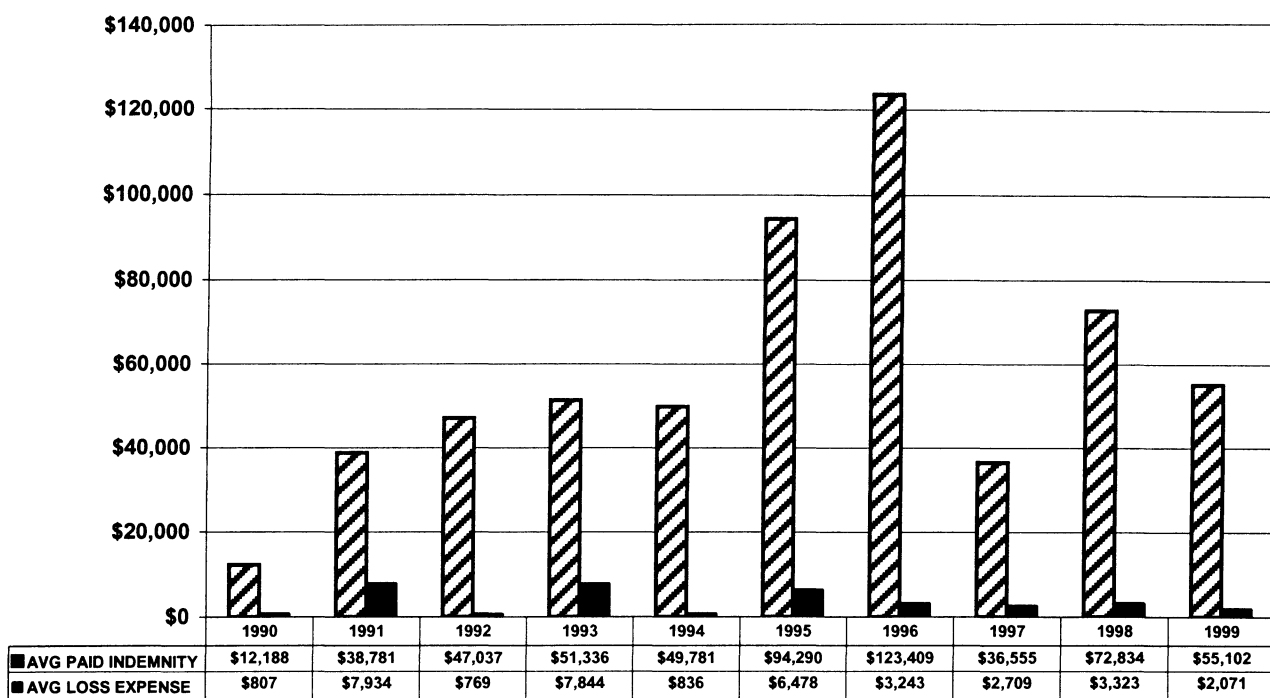
ERROR OR OMISSION	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
FAIL TO ASCERTAIN DEADLINE CORRECTLY	69	25	27.47%	\$55,102	\$1,377,561	9.42%	\$2,071
PROCRASTINATION OR LACK OF FOLLOW-UP	51	8	8.79%	\$71,938	\$575,500	3.94%	\$2,771
CONFLICT OF INTEREST	24	7	7.69%	\$114,952	\$804,667	5.50%	\$24,195
PLANNING OR STRATEGY ERROR	24	8	8.79%	\$51,688	\$413,500	2.83%	\$13,020
MALICIOUS PROSECUTION OR ABUSE OF PROCESS	22	3	3.30%	\$22,127	\$66,381	0.45%	\$6,686
FAIL TO KNOW OR PROPERLY APPLY THE LAW	20	7	7.69%	\$60,064	\$420,450	2.88%	\$7,351
OTHER	20	5	5.49%	\$40,100	\$200,500	1.37%	\$13,149
INADEQUATE INVESTIGATION	18	4	4.40%	\$84,125	\$336,500	2.30%	\$8,066
FAIL TO FOLLOW CLIENTS INSTRUCTIONS	17	8	8.79%	\$28,125	\$225,000	1.54%	\$9,237
FRAUD	16	3	3.30%	\$2,940,918	\$8,822,753	60.36%	\$268,251
VIOLATION OF CIVIL RIGHTS	7	2	2.20%	\$257,500	\$515,000	3.52%	\$19,282
FAIL TO OBTAIN CLIENTS CONSENT	5	3	3.30%	\$170,239	\$510,718	3.49%	\$10,006
FAILURE TO CALENDAR PROPERLY	5	2	2.20%	\$33,250	\$66,500	0.45%	\$677
FAILURE TO REACT TO CALENDAR	5	2	2.20%	\$37,500	\$75,000	0.51%	\$3,434
LIBEL OR SLANDER	3	0	0.00%	\$0	\$0	0.00%	\$2,408
CLERICAL ERROR	2	1	1.10%	\$150,000	\$150,000	1.03%	\$33,877
ERROR IN MATHEMATICAL CALCULATION	2	0	0.00%	\$0	\$0	0.00%	\$1,232
FAIL TO ANTICIPATE TAX CONSEQUENCES	2	1	1.10%	\$20,000	\$20,000	0.14%	\$28,663
FAIL TO FILE DOCUMENTS WITH NO DEADLINE	2	1	1.10%	\$36,000	\$36,000	0.25%	\$0
LOST FILE, DOCUMENT OR EVIDENCE	2	1	1.10%	\$1,900	\$1,900	0.01%	\$0
IMPROPER WITHDRAWAL FROM REPRESENTATION	1	0	0.00%	\$0	\$0	0.00%	\$0
<b>TOTAL</b>	<b>317</b>	<b>91</b>	<b>100.00%</b>	<b>\$160,637</b>	<b>\$14,617,930</b>	<b>100.00%</b>	<b>\$21,038</b>

**TRENDS  
OF THE TOP TEN  
ERRORS OR OMISSIONS  
OF 1999**

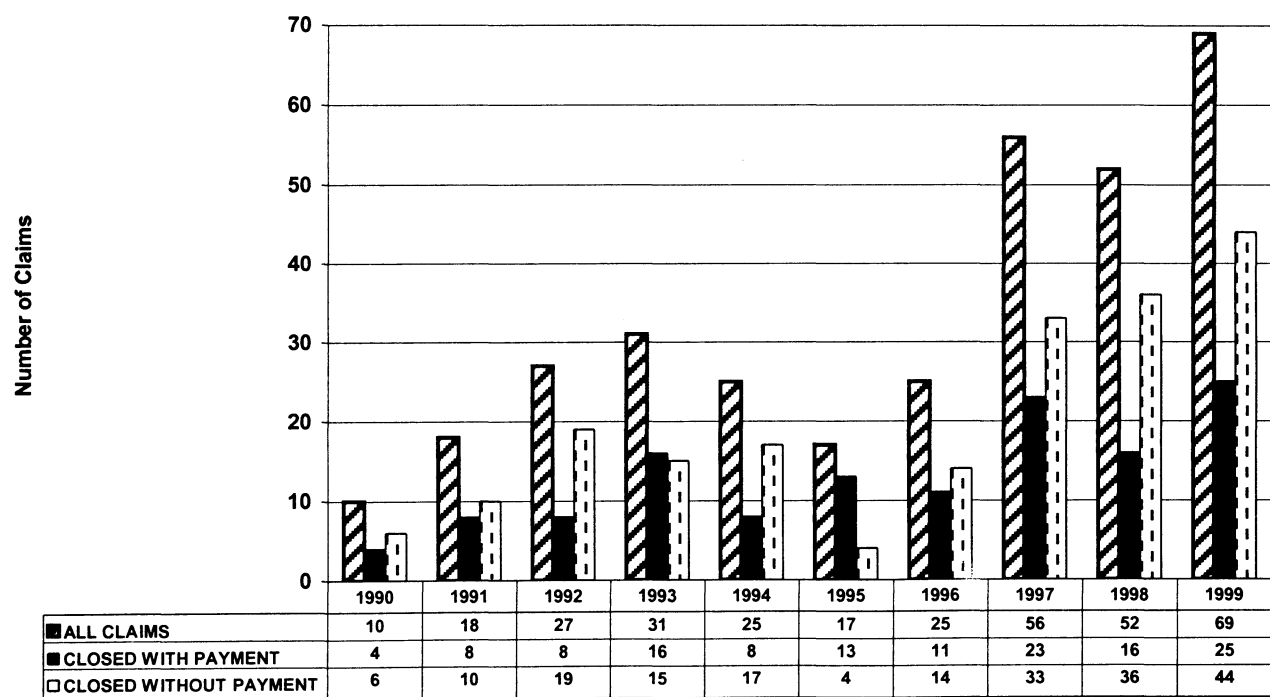


## FAIL TO ASCERTAIN DEADLINE CORRECTLY

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



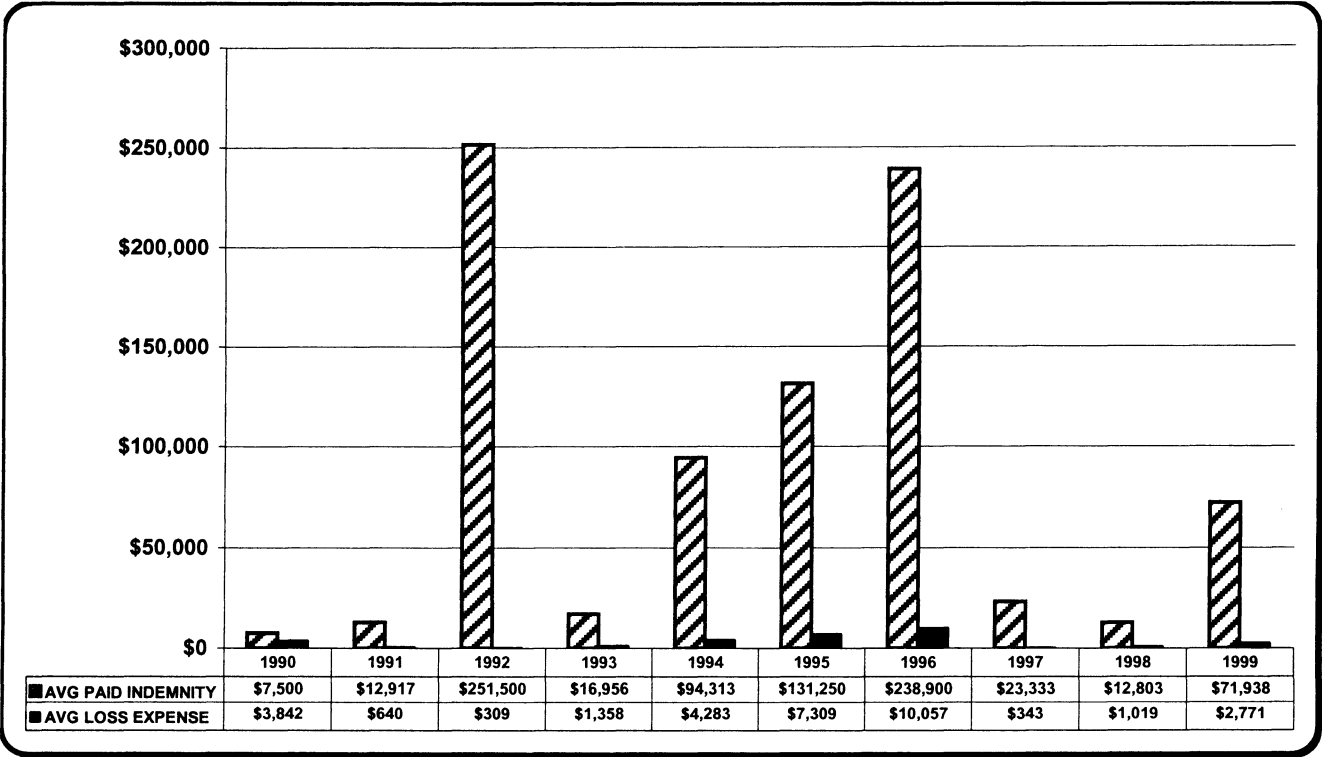
### CLAIM COUNT



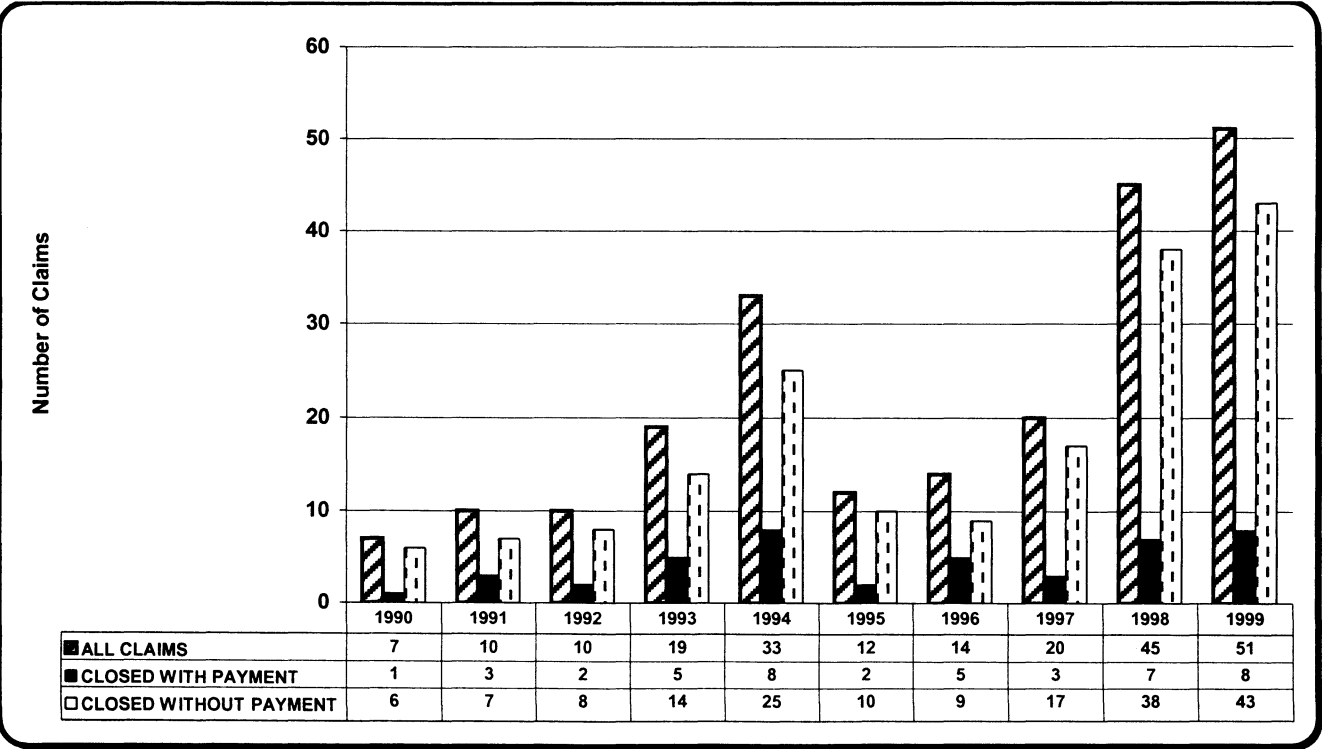


PROCRASTINATION OR LACK OF FOLLOW-UP

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

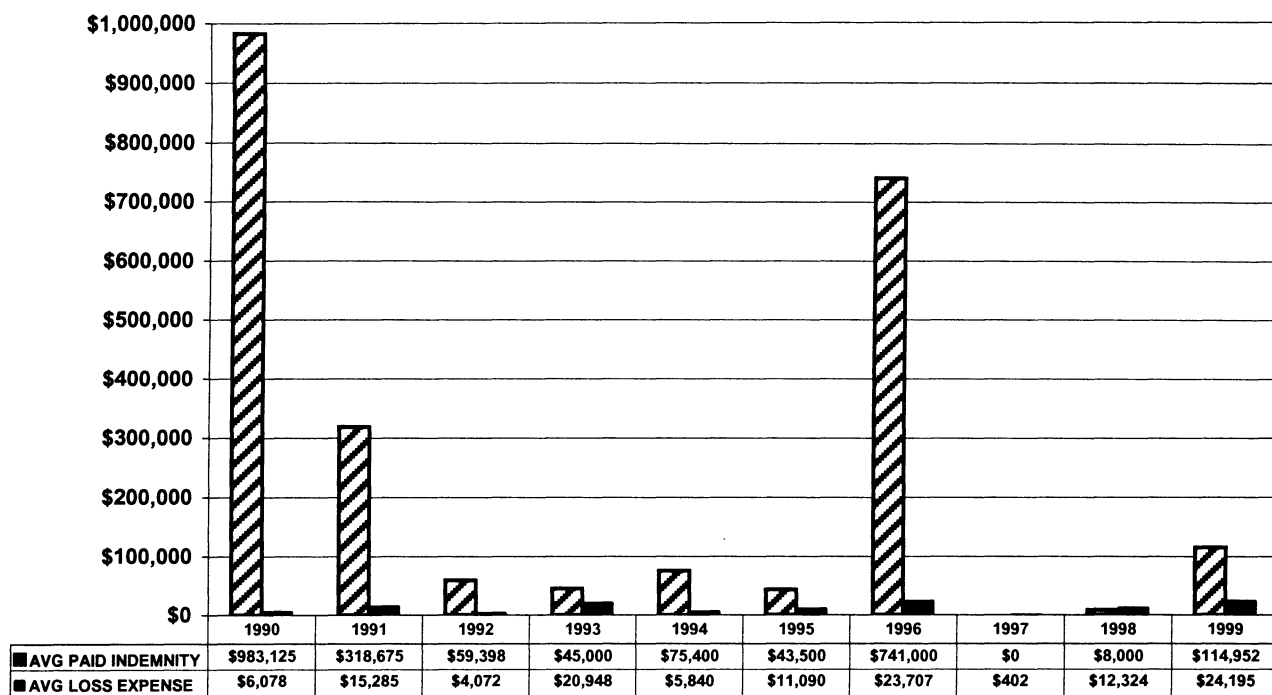


CLAIM COUNT

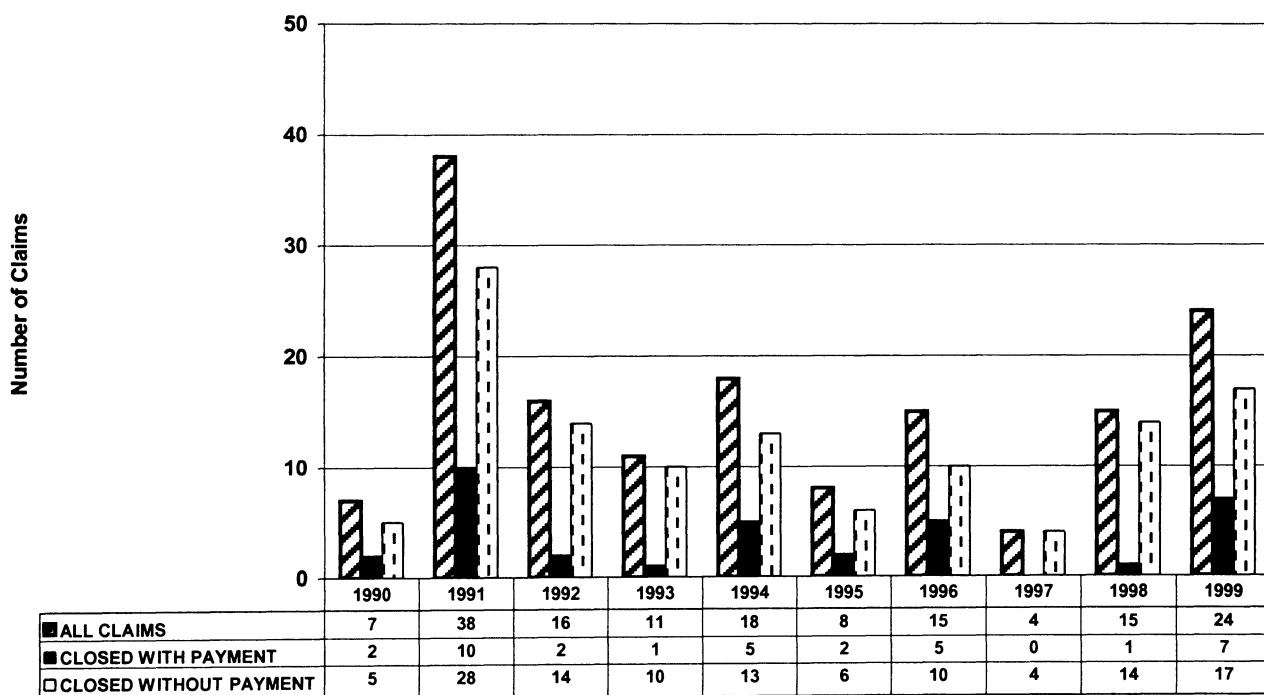


## CONFLICT OF INTEREST

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

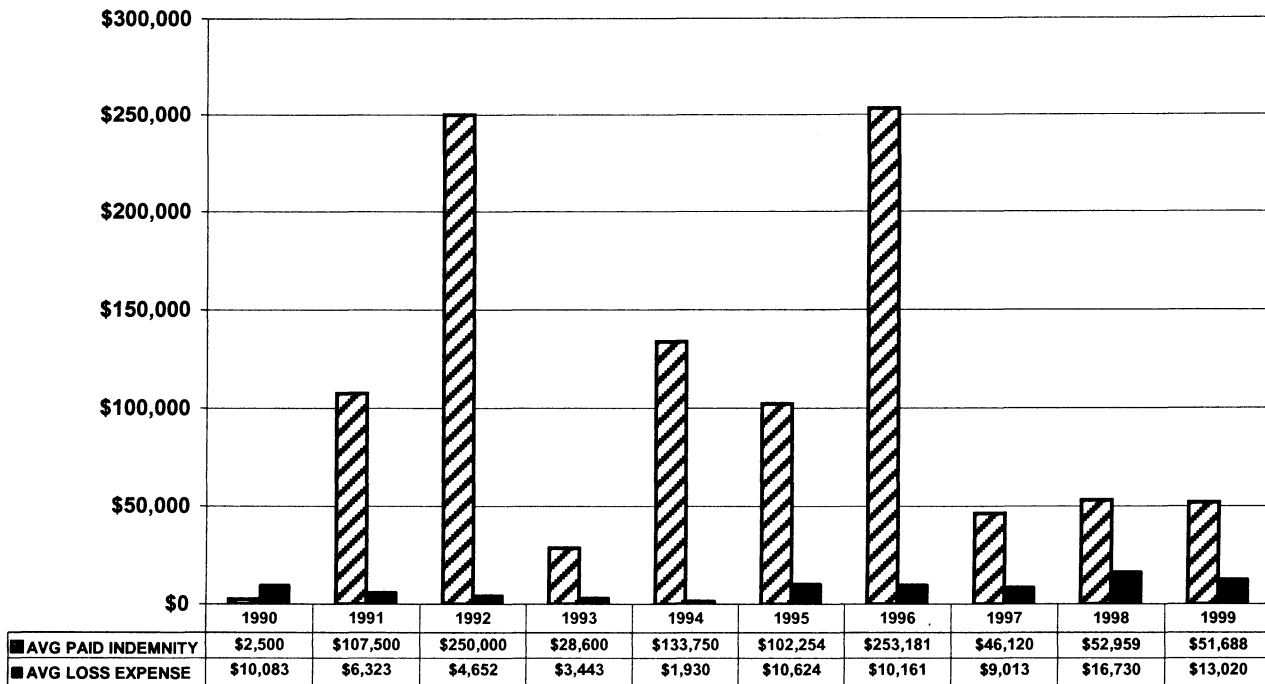


### CLAIM COUNT

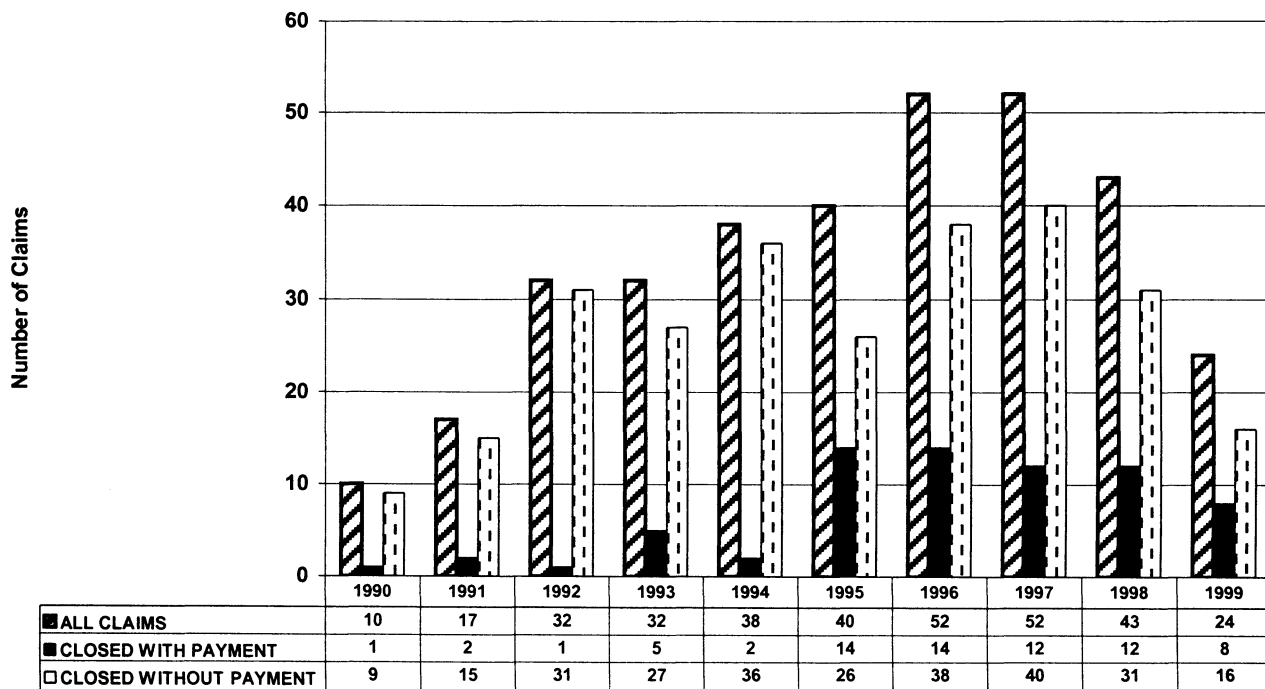


## PLANNING OR STRATEGY ERROR

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

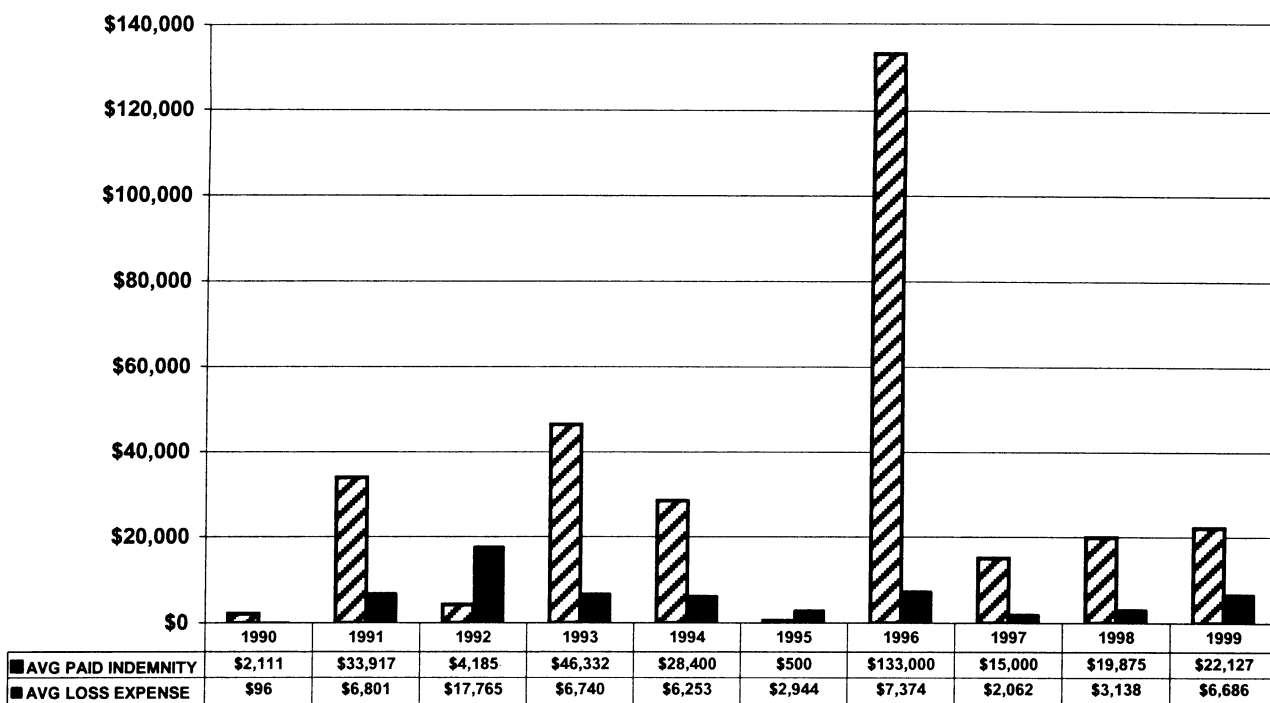


### CLAIM COUNT

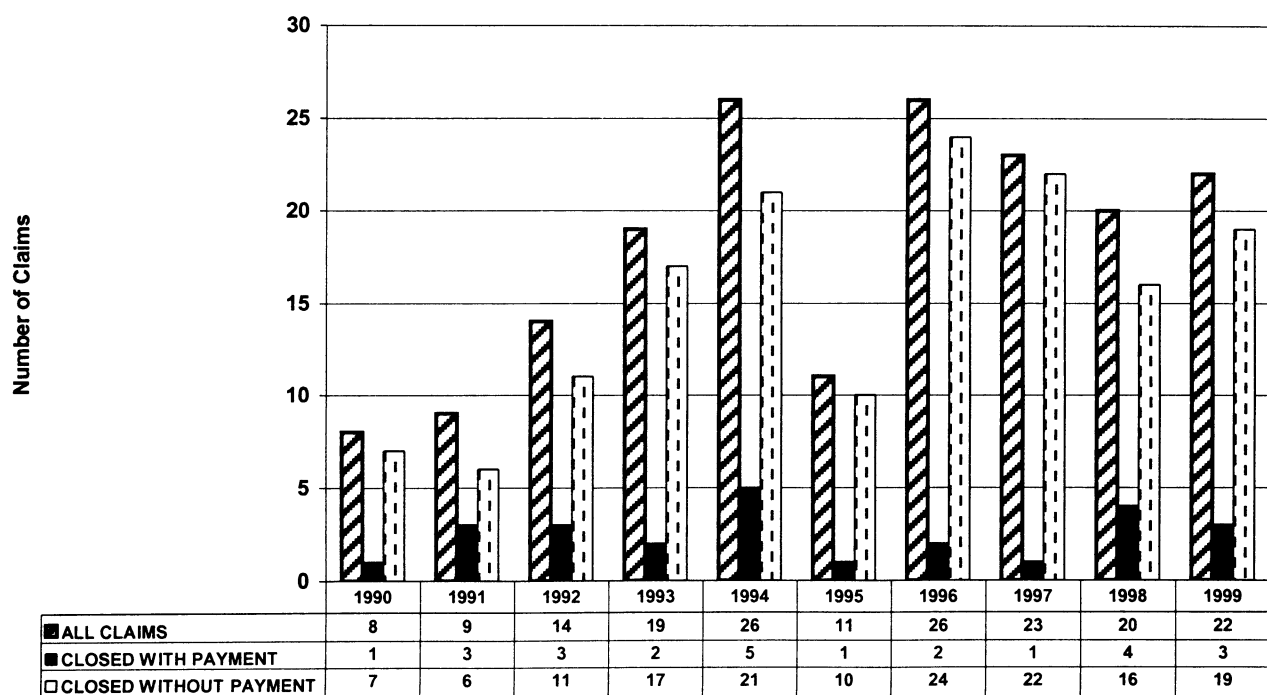


## MALICIOUS PROSECUTION OR ABUSE OF PROCESS

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

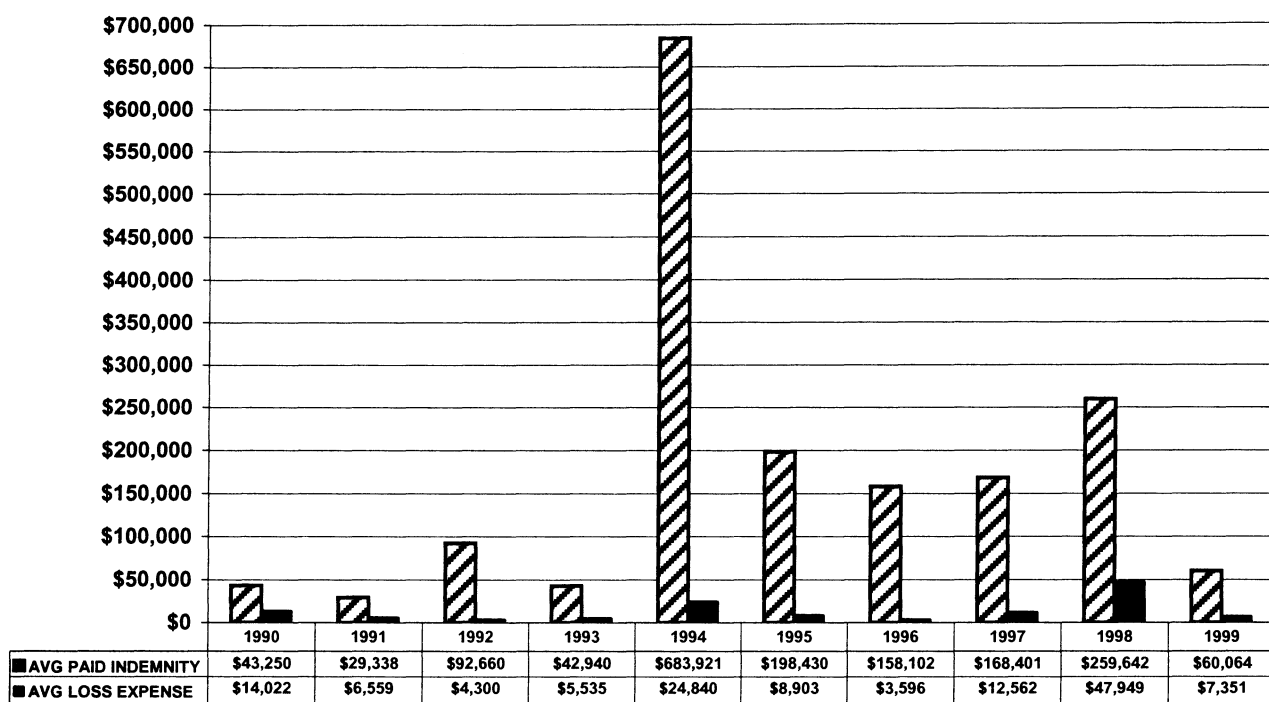


### CLAIM COUNT

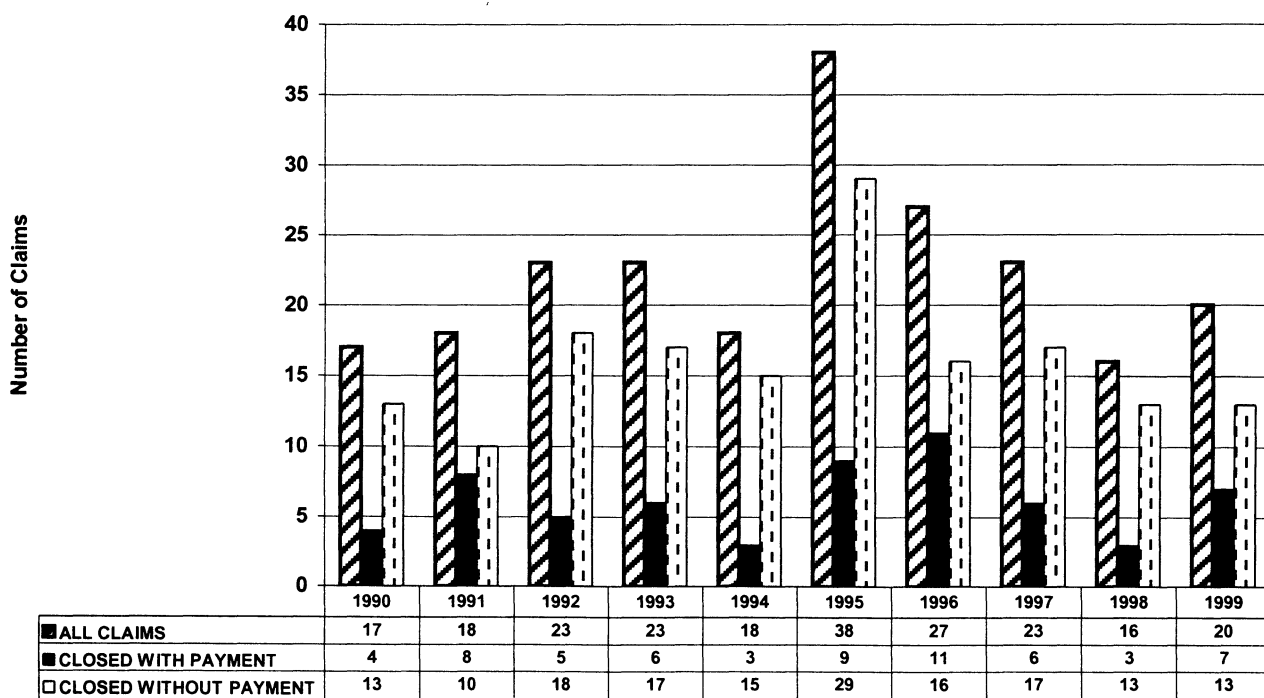


## FAIL TO KNOW OR PROPERLY APPLY THE LAW

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

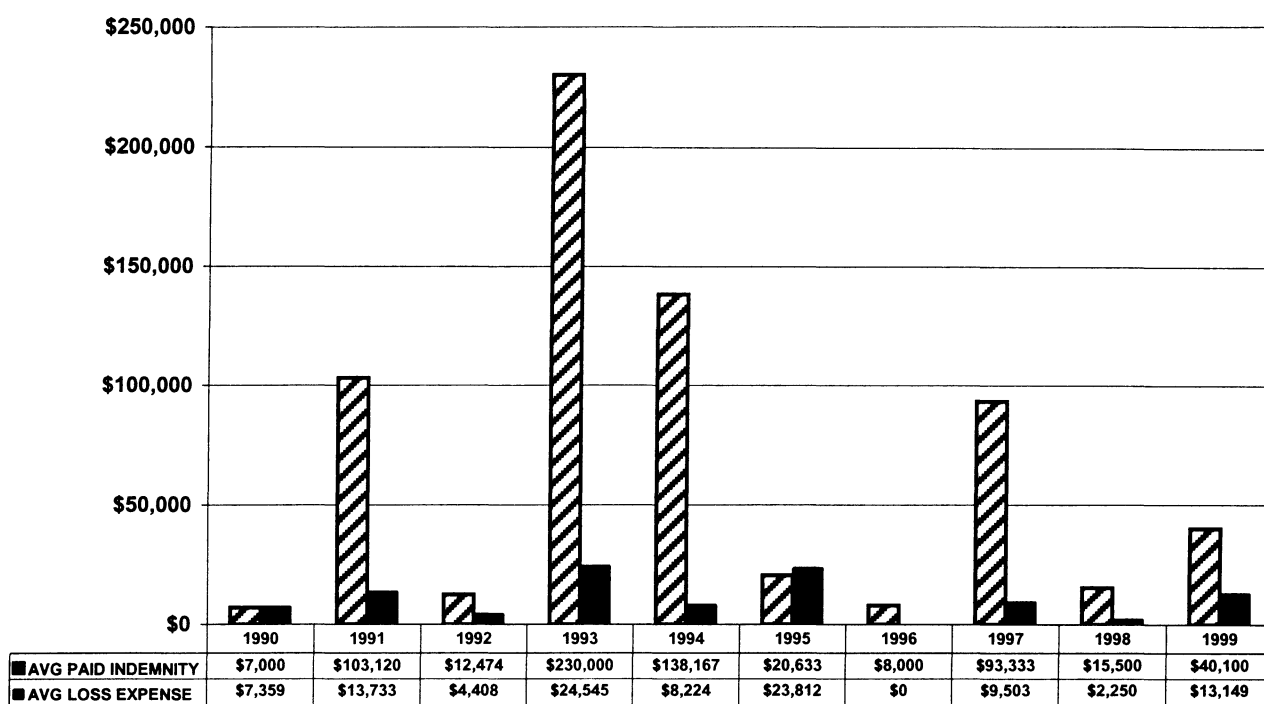


### CLAIM COUNT

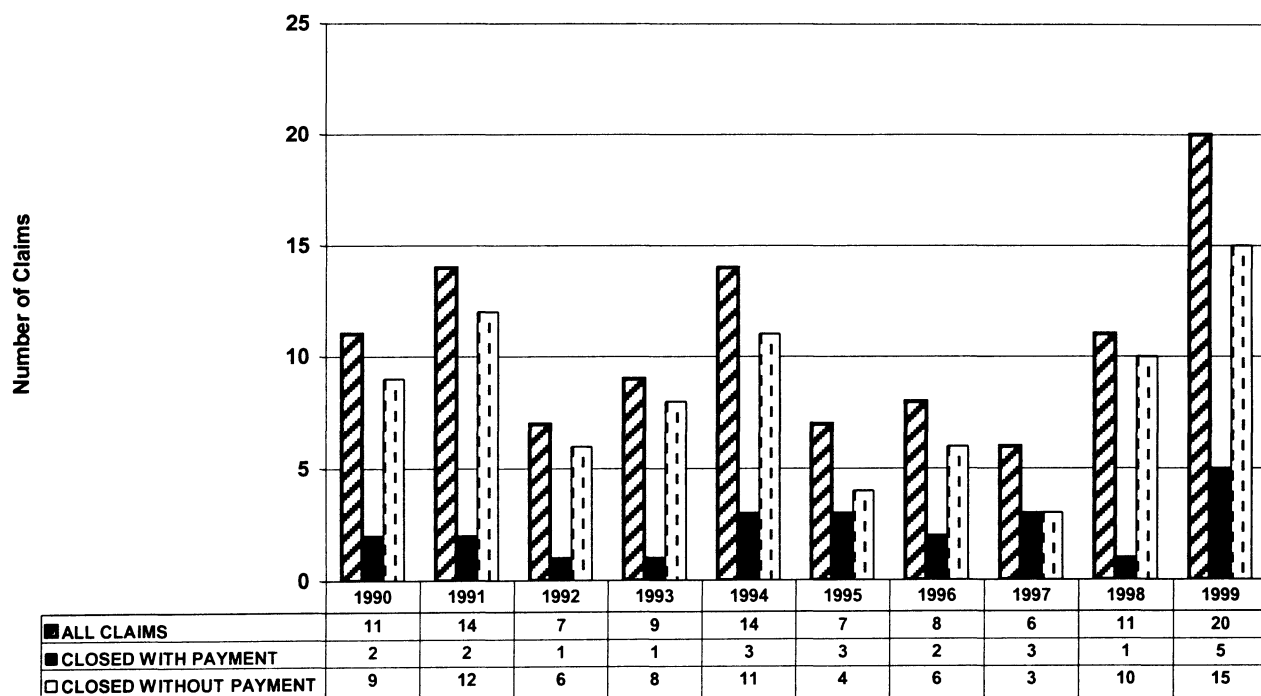


## OTHER

## AVERAGE PAID INDEMNITY &amp; AVERAGE LOSS EXPENSE

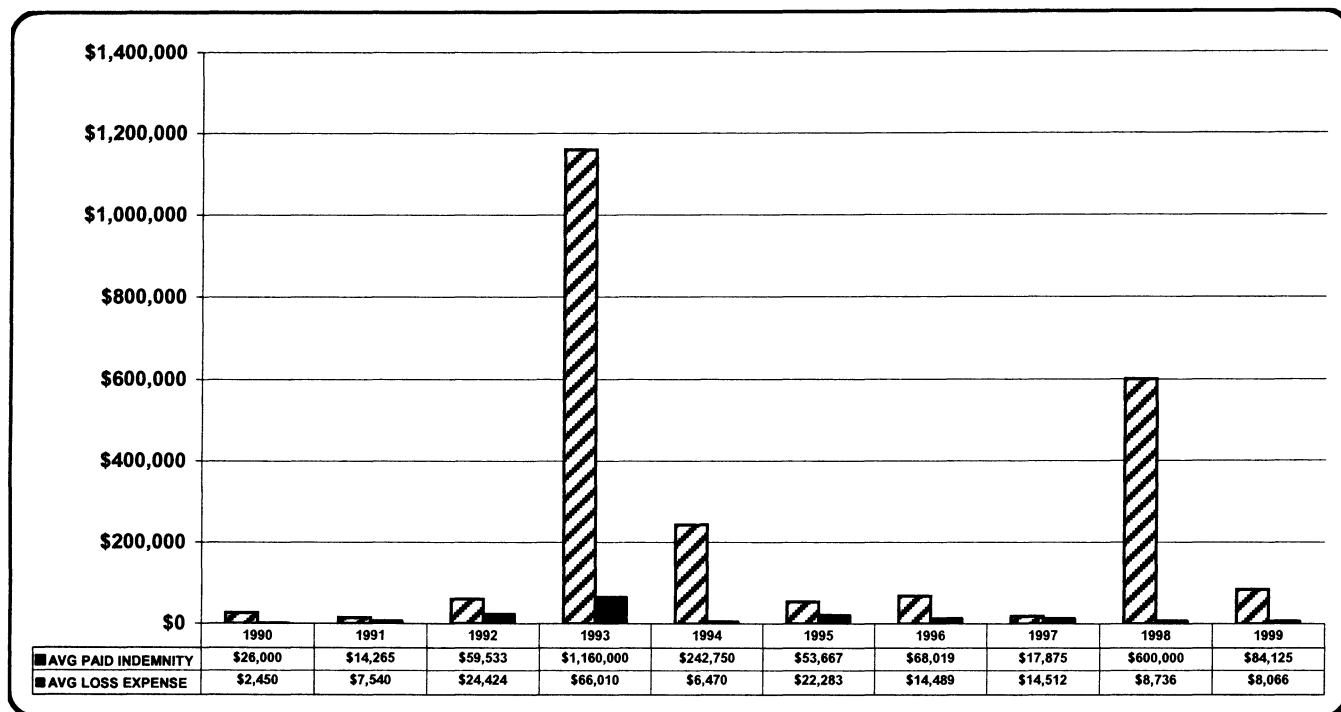


## CLAIM COUNT

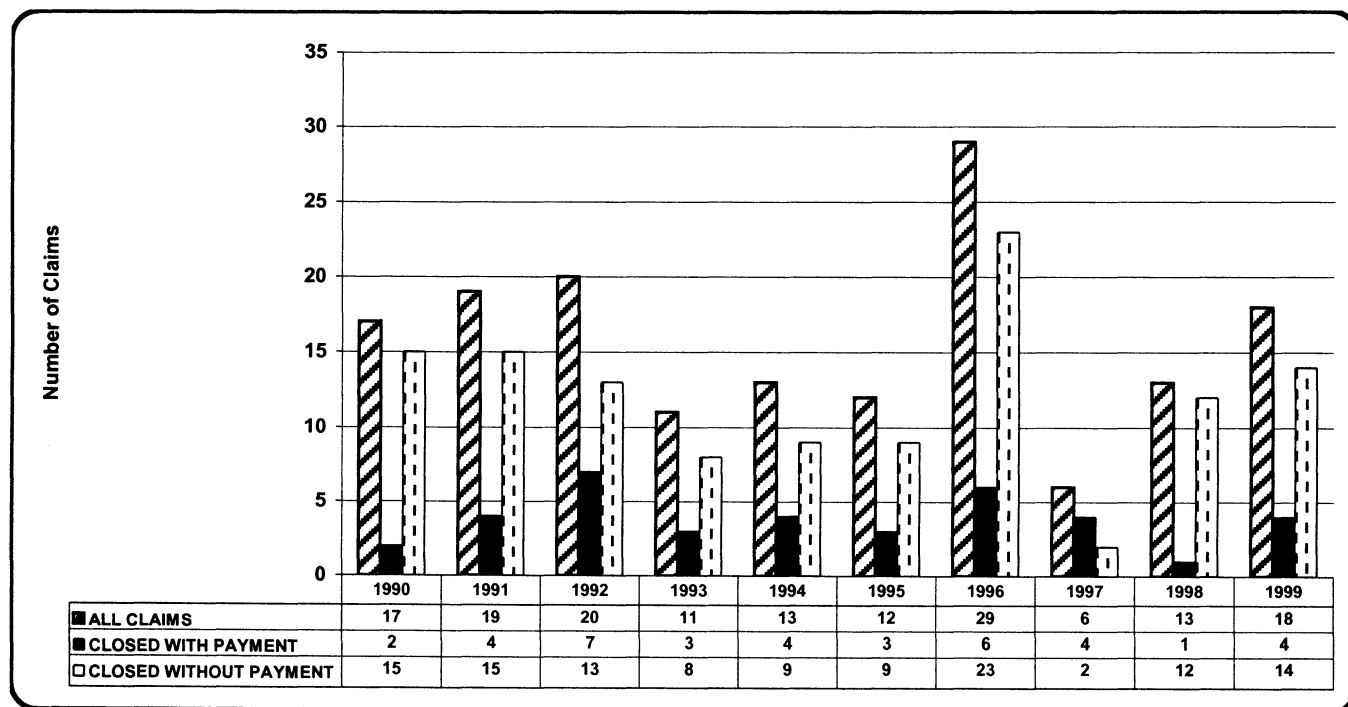


## INADEQUATE INVESTIGATION

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

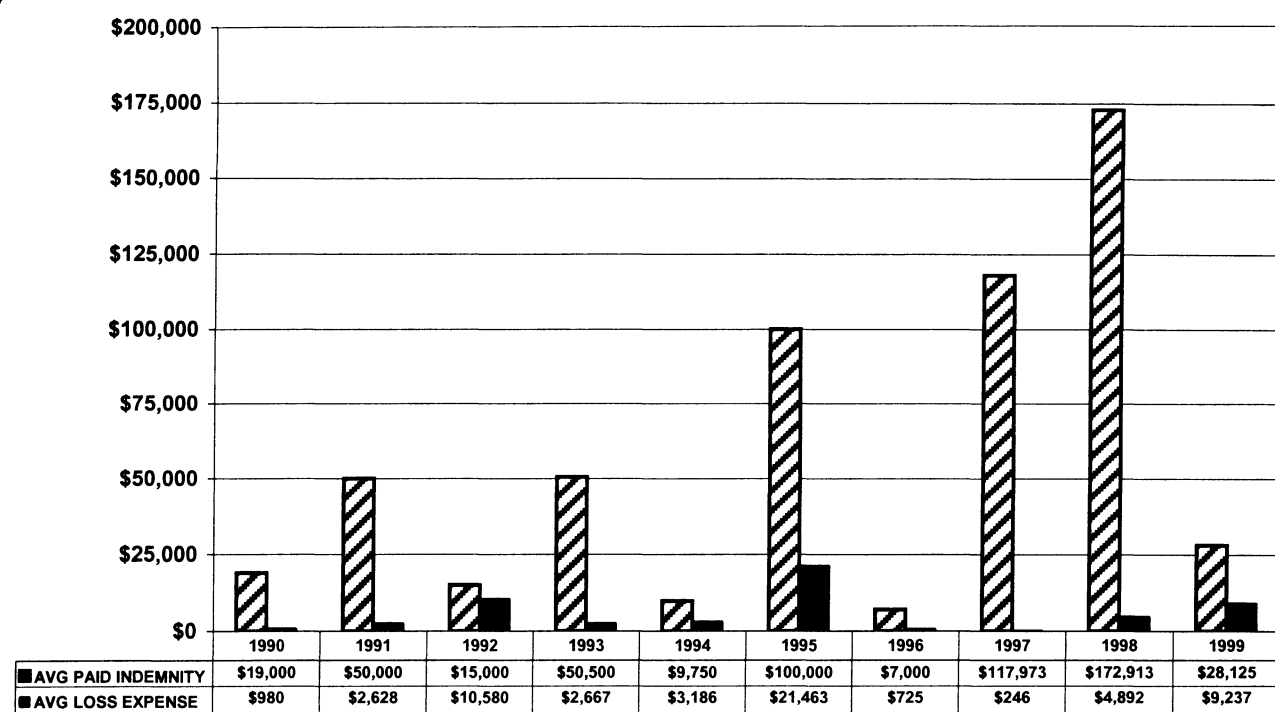


### CLAIM COUNT

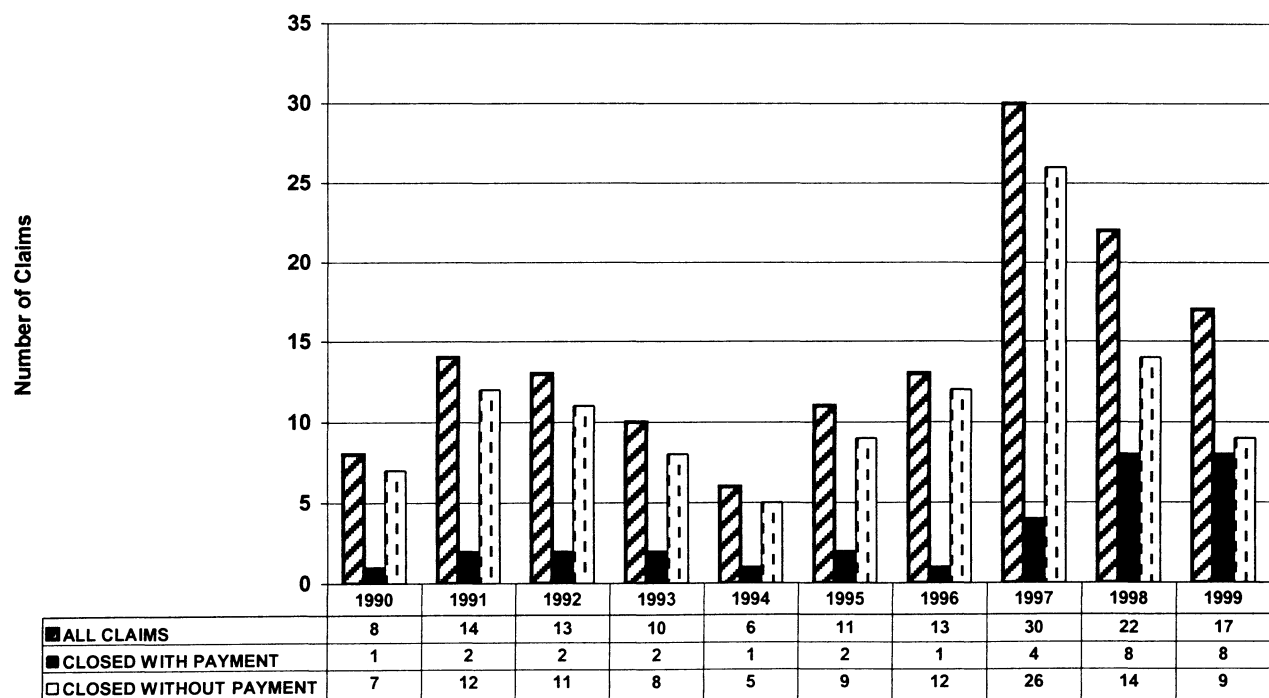


## FAIL TO FOLLOW CLIENTS INSTRUCTIONS

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



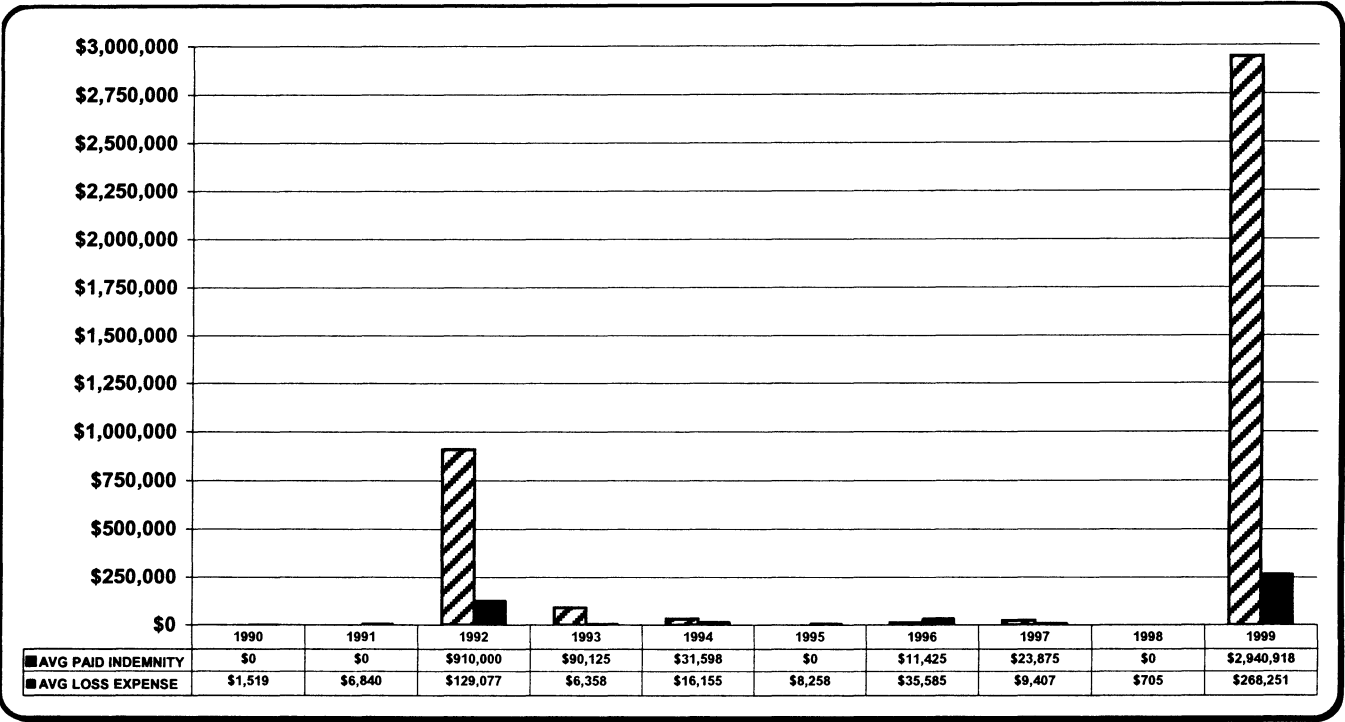
### CLAIM COUNT



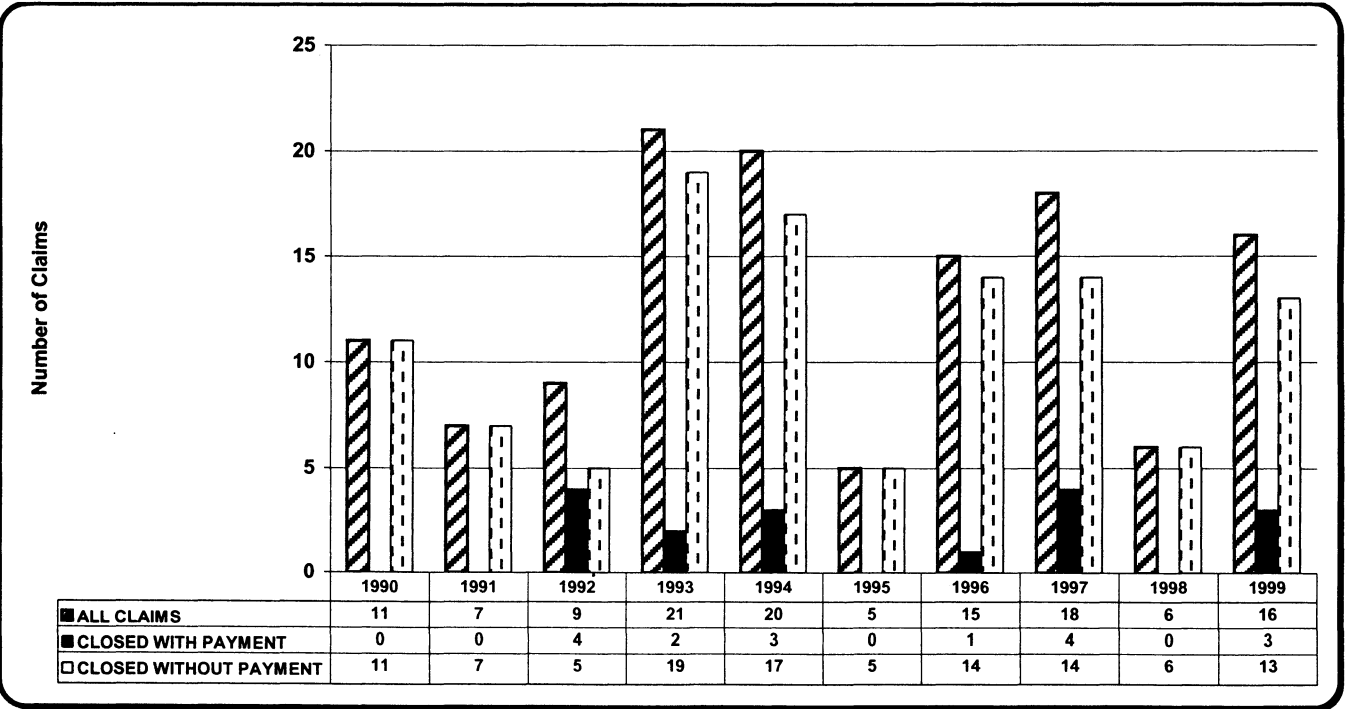


FRAUD

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



CLAIM COUNT



**TEN YEAR SUMMARY  
&  
1999 SUMMARY  
BY  
CLAIM DISPOSITIONS**



# **LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS FOR YEARS 1990 – 1999**

CLAIM DISPOSITION	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
BEFORE FILING SUIT OR DEMANDING HEARING	1,111	295	47.20%	\$78,170	\$23,060,063	31.82%	\$1,498
BEFORE TRIAL OR HEARING	884	278	44.48%	\$139,601	\$38,809,138	53.55%	\$18,563
CLAIM OR SUIT ABANDONED	368	4	0.64%	\$203,750	\$814,998	1.12%	\$1,934
AFTER APPEAL	67	12	1.92%	\$405,713	\$4,868,553	6.72%	\$63,442
AFTER JUDGMENT, BEFORE APPEAL	48	8	1.28%	\$59,342	\$474,732	0.66%	\$13,202
DURING TRIAL OR HEARING	46	17	2.72%	\$188,184	\$3,199,127	4.41%	\$27,898
AFTER TRIAL OR HEARING, BEFORE JUDGMENT	24	3	0.48%	\$90,302	\$270,906	0.37%	\$14,012
DURING APPEAL	21	8	1.28%	\$122,458	\$979,663	1.35%	\$36,069
DURING REVIEW PANEL	1	0	0.00%	\$0	\$0	0.00%	\$0
<b>TOTAL</b>	<b>2,570</b>	<b>625</b>	<b>100.00%</b>	<b>\$115,963</b>	<b>\$72,477,180</b>	<b>100.00%</b>	<b>\$10,135</b>

# LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS CLAIMS CLOSED IN 1999

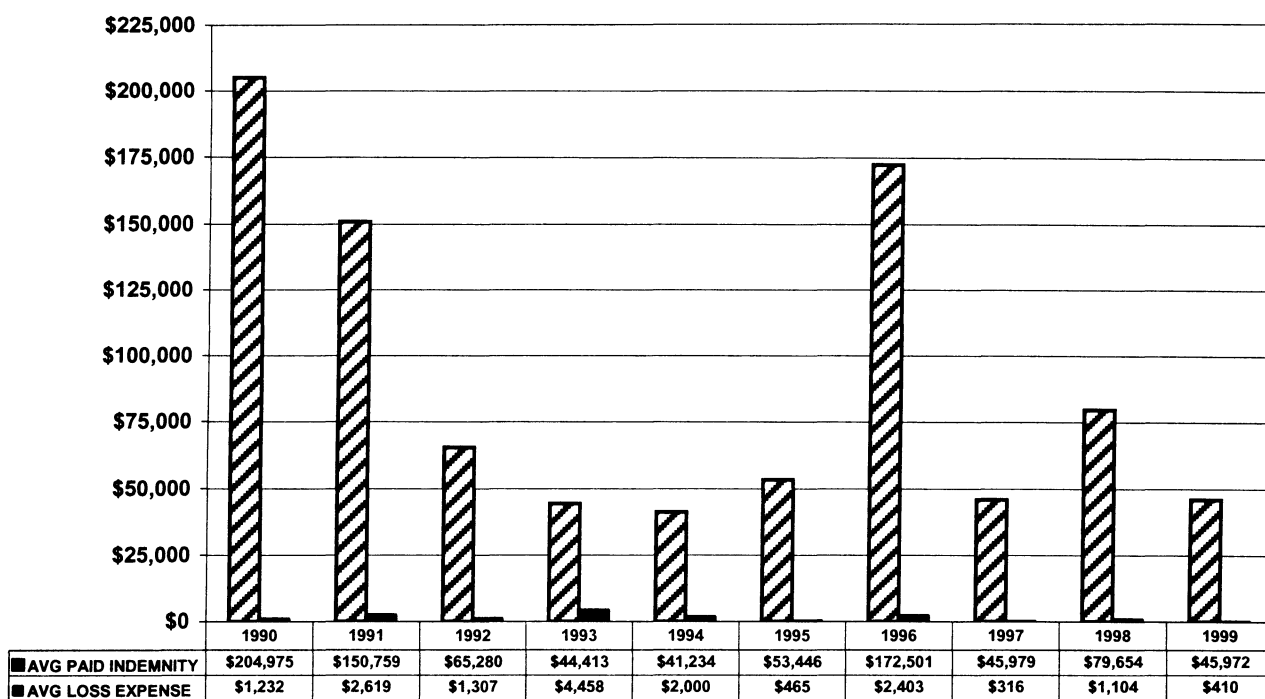
CLAIM DISPOSITION	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
BEFORE FILING SUIT OR DEMANDING HEARING	173	43	47.25%	\$45,972	\$1,976,793	13.52%	\$410
BEFORE TRIAL OR HEARING	116	42	46.15%	\$286,063	\$12,014,645	82.19%	\$49,811
AFTER APPEAL	7	1	1.10%	\$28,000	\$28,000	0.19%	\$49,918
CLAIM OR SUIT ABANDONED	7	0	0.00%	\$0	\$0	0.00%	\$26
AFTER JUDGMENT, BEFORE APPEAL	6	1	1.10%	\$18,381	\$18,381	0.13%	\$5,707
DURING TRIAL OR HEARING	4	3	3.30%	\$160,037	\$480,111	3.28%	\$88,069
AFTER TRIAL OR HEARING, BEFORE JUDGMENT	3	1	1.10%	\$100,000	\$100,000	0.68%	\$23,917
DURING APPEAL	1	0	0.00%	\$0	\$0	0.00%	\$12,128
TOTAL	317	91	100.00%	\$160,637	\$14,617,930	100.00%	\$21,038

**TRENDS  
OF THE TOP EIGHT  
CLAIM DISPOSITIONS  
OF 1999**

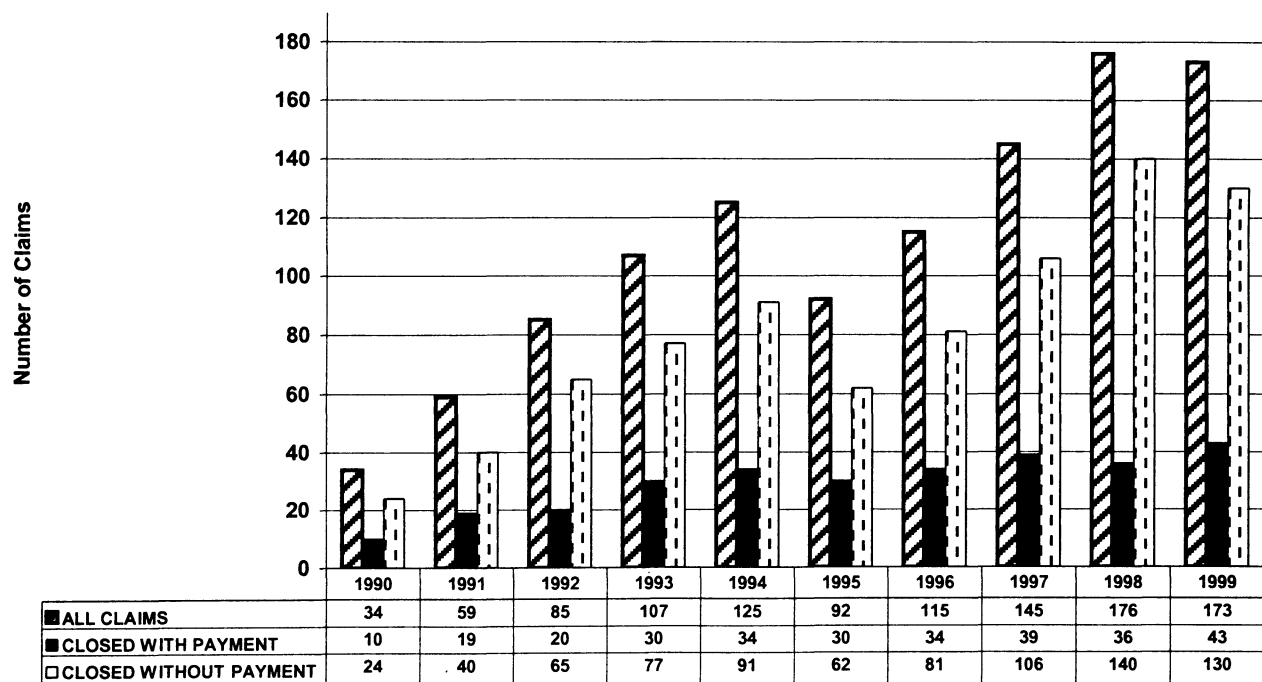


## BEFORE FILING SUIT OR DEMANDING HEARING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



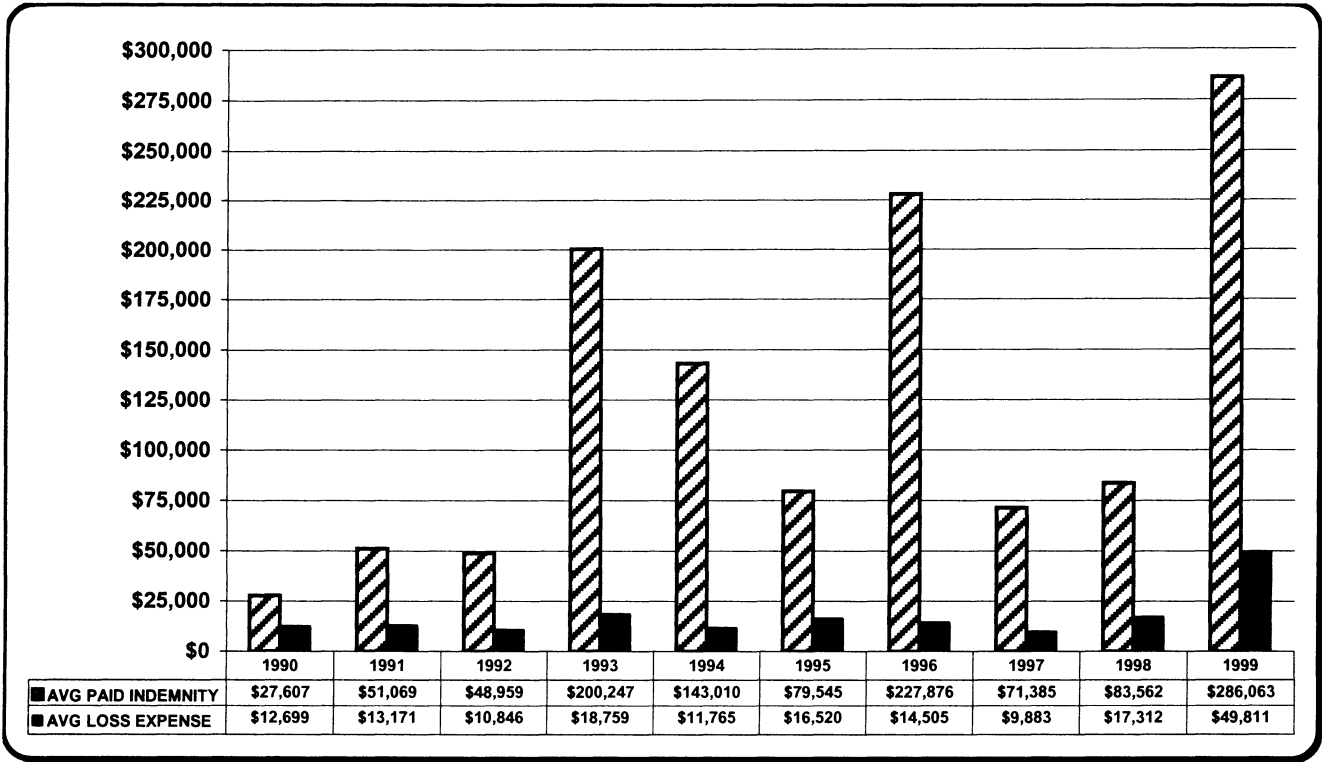
### CLAIM COUNT



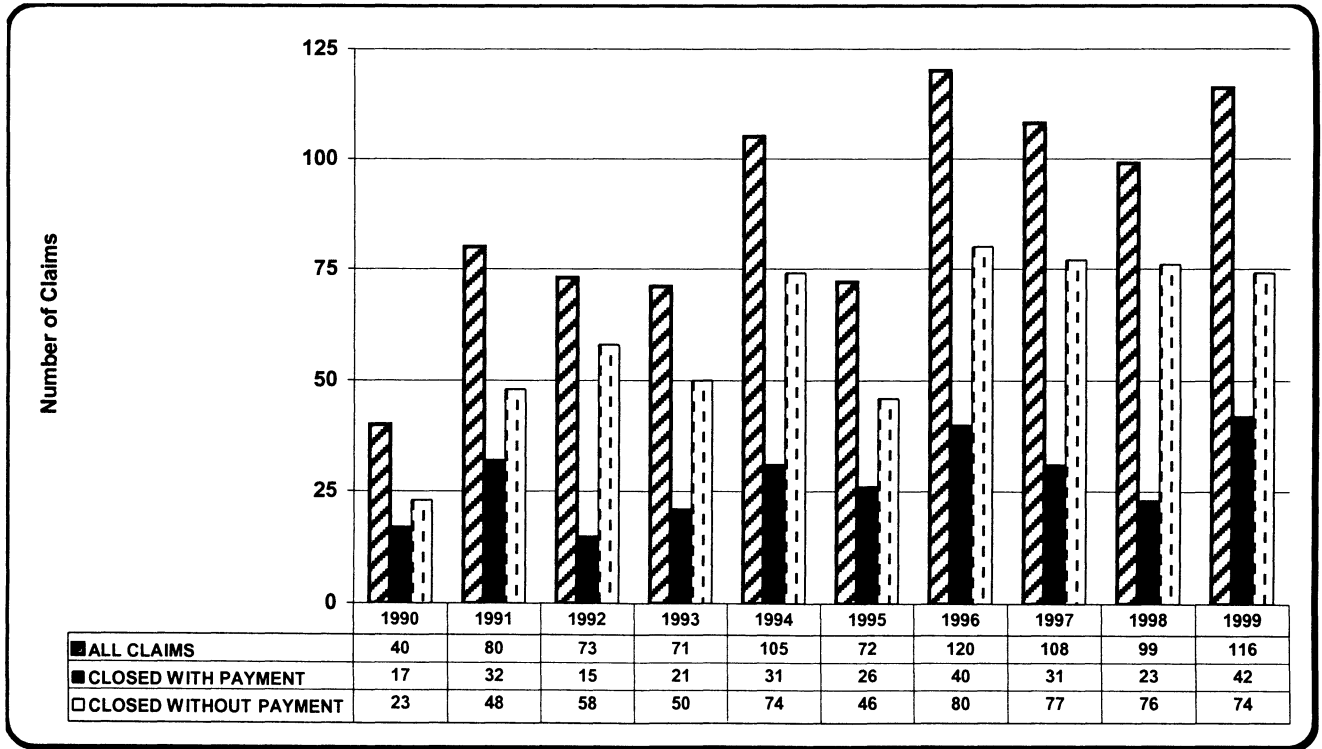


BEFORE TRIAL OR HEARING

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

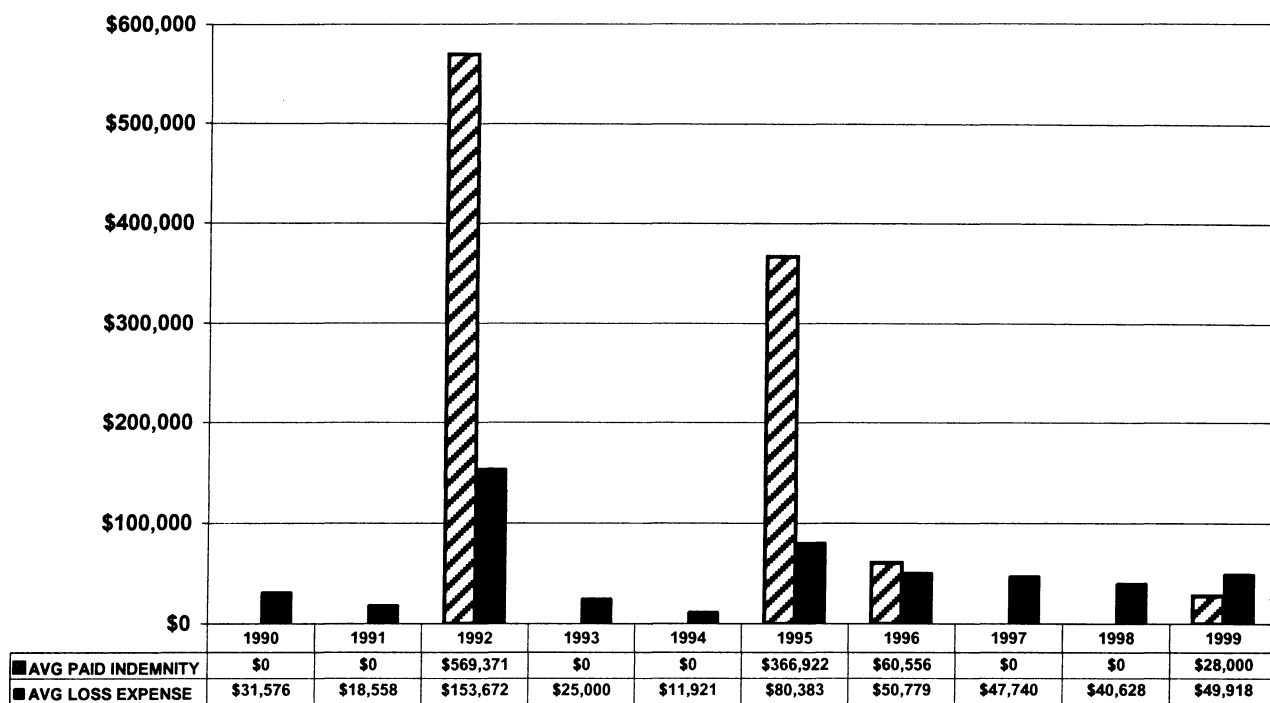


CLAIM COUNT

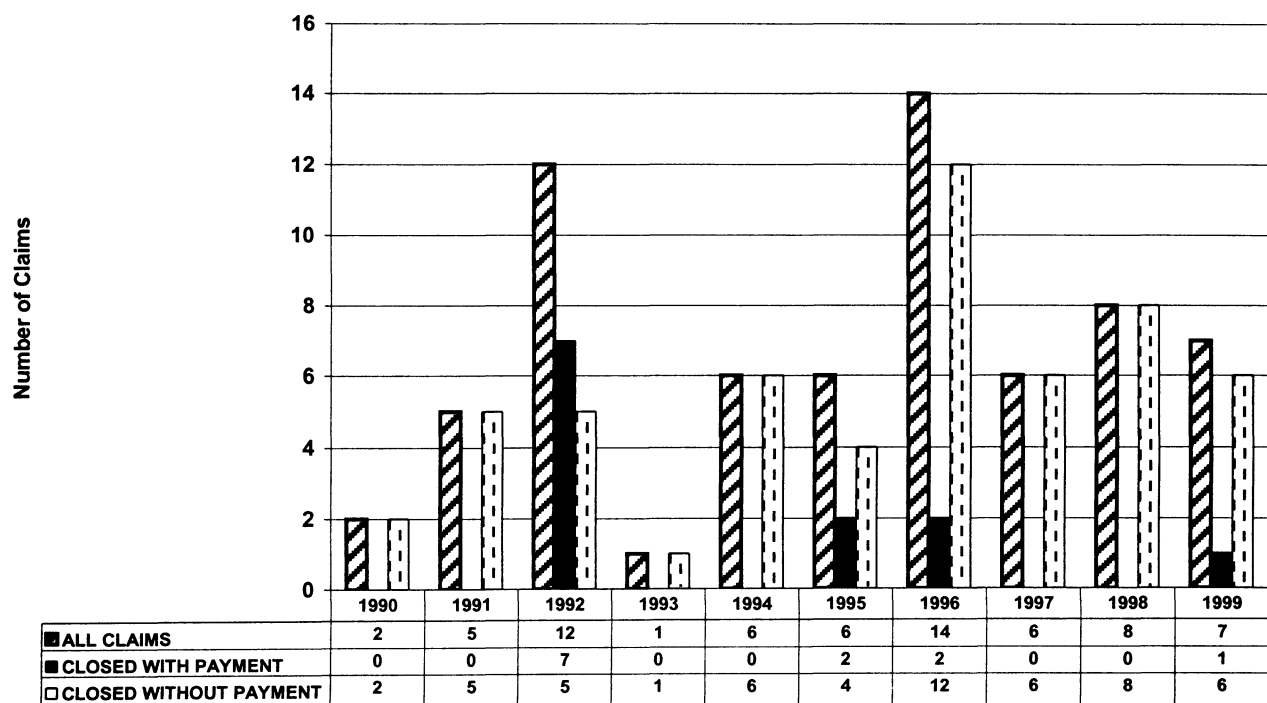


## AFTER APPEAL

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

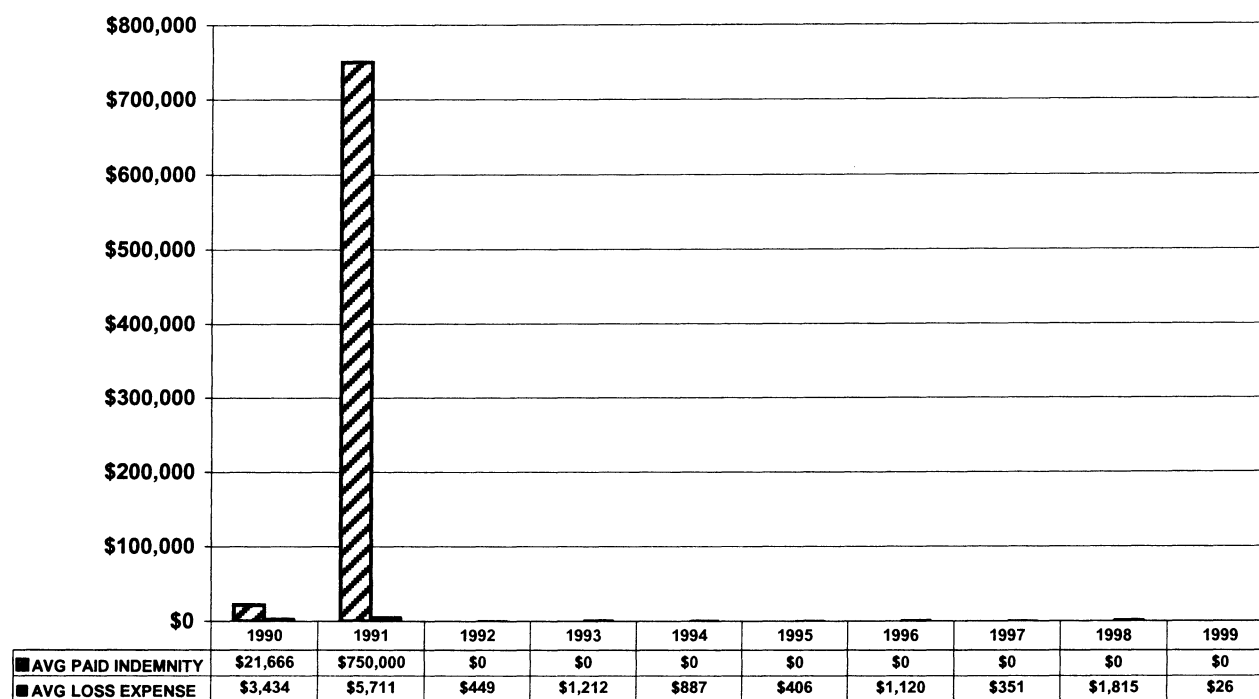


### CLAIM COUNT

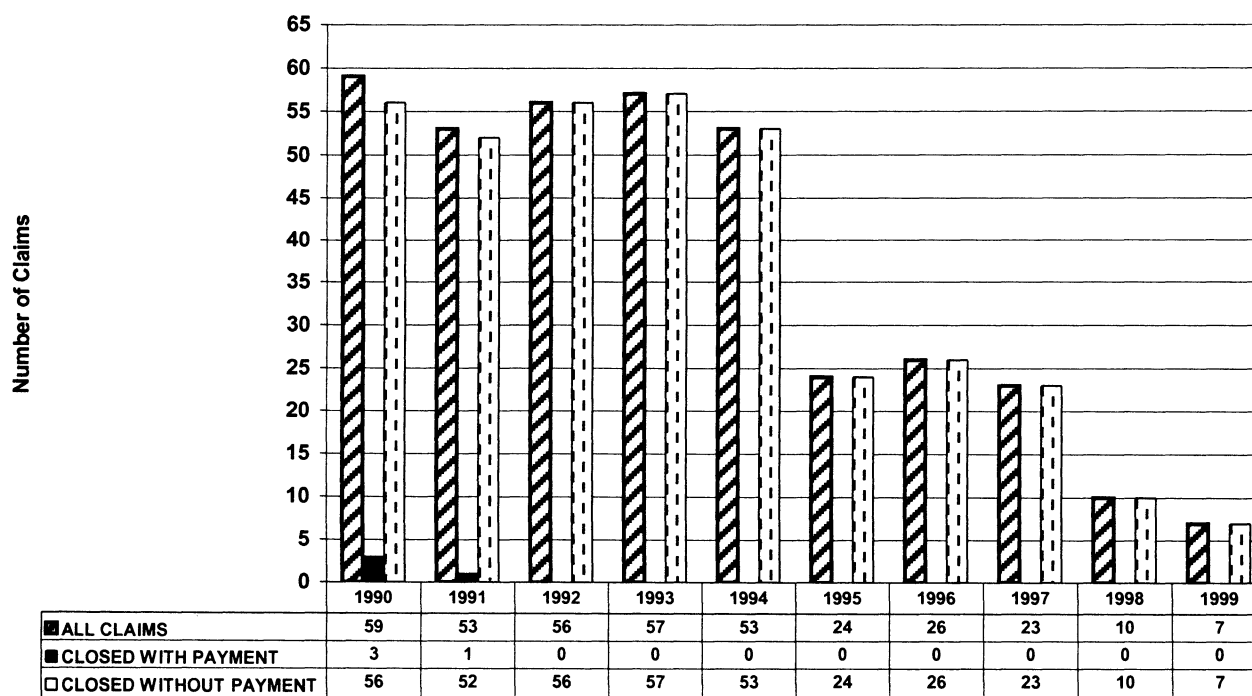


## CLAIM OR SUIT ABANDONED

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

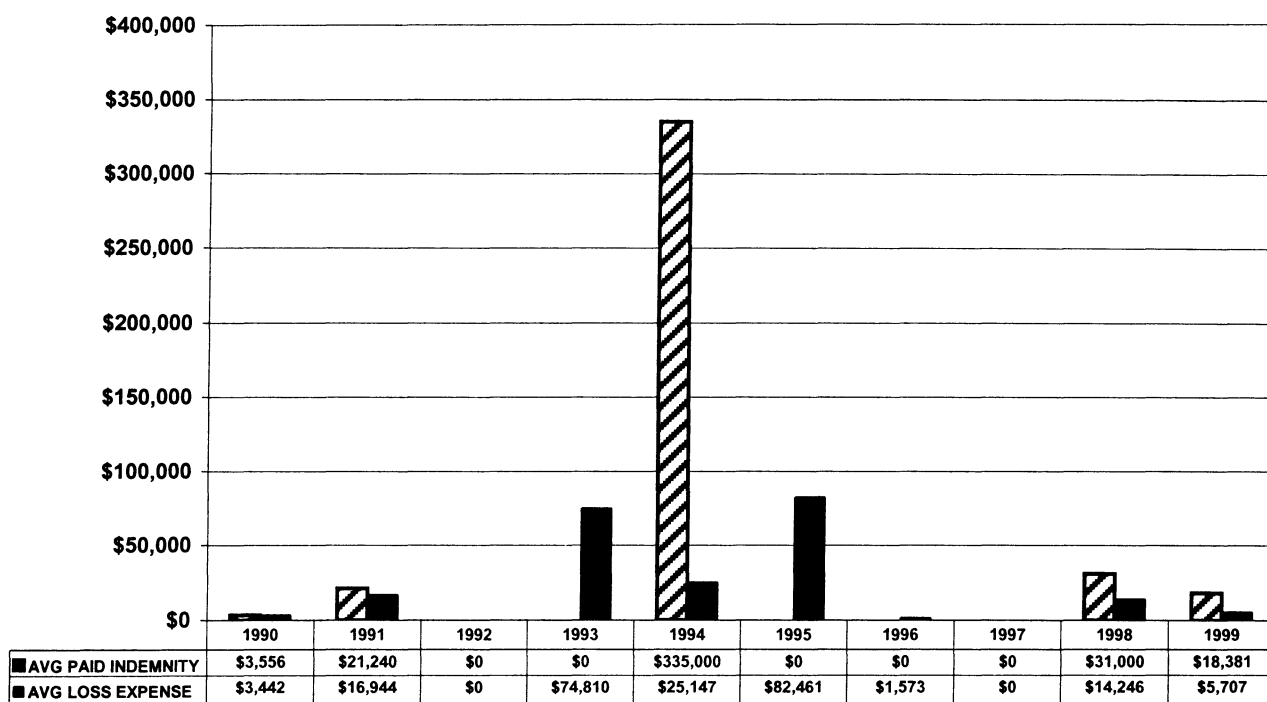


### CLAIM COUNT

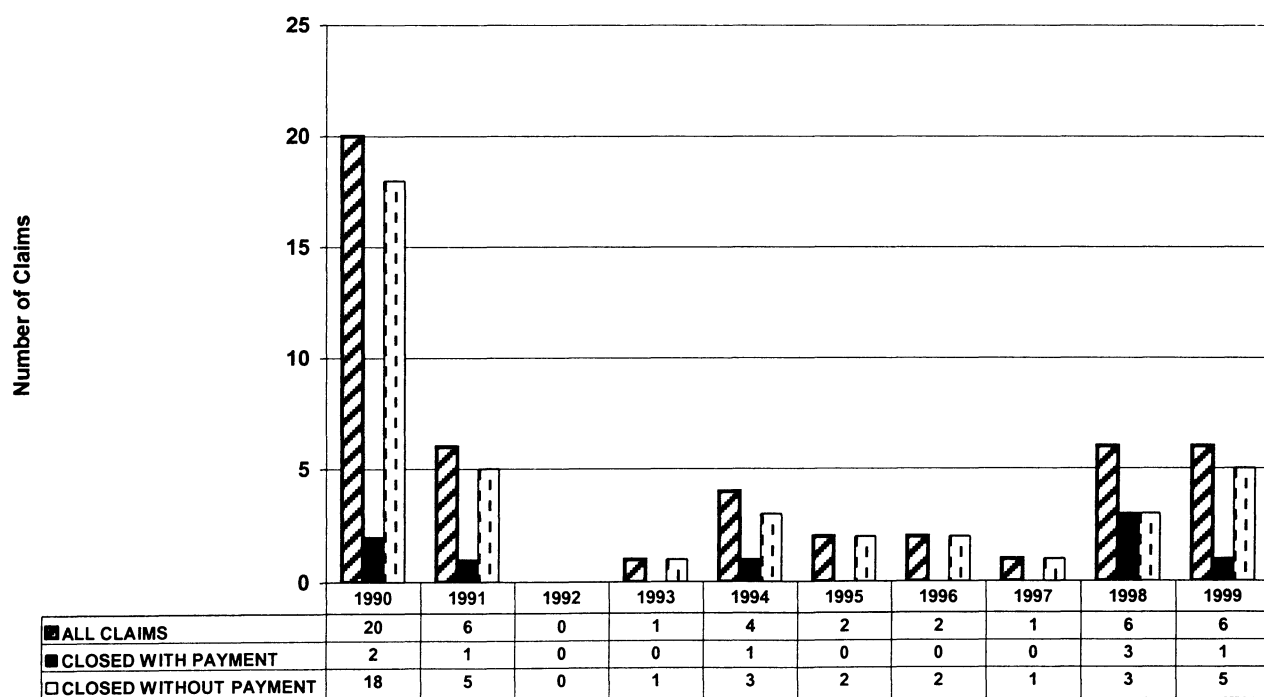


## AFTER JUDGMENT, BEFORE APPEAL

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

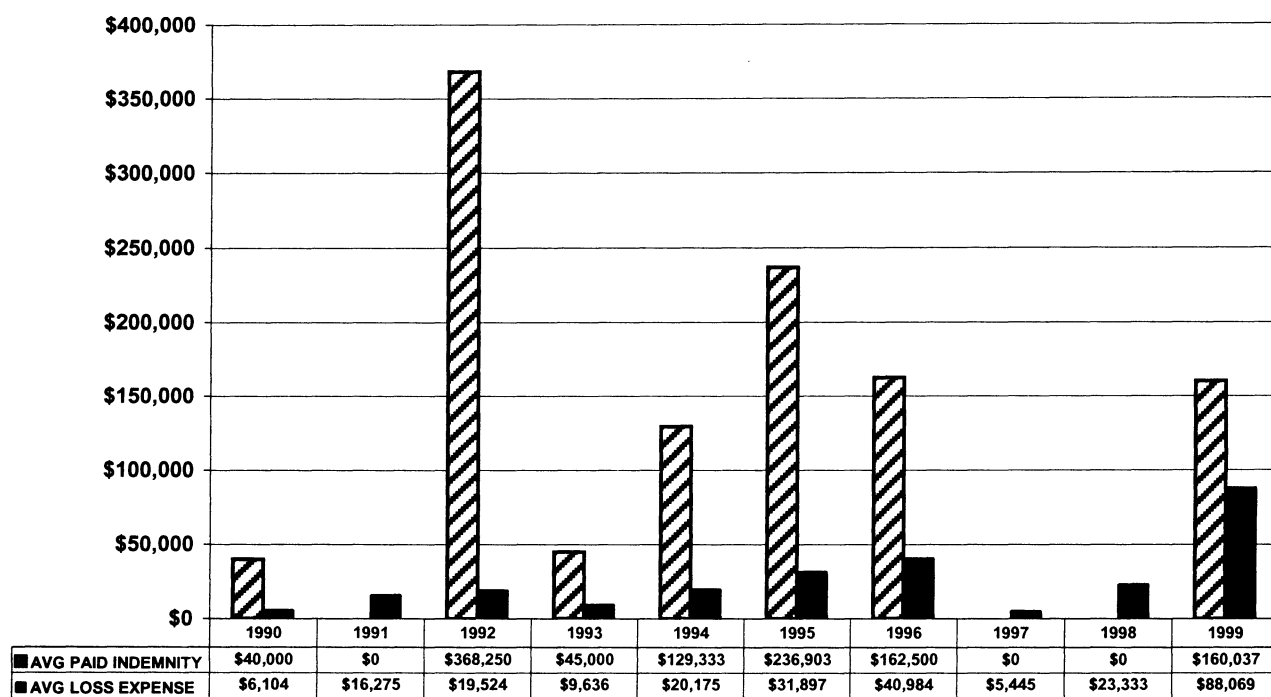


### CLAIM COUNT

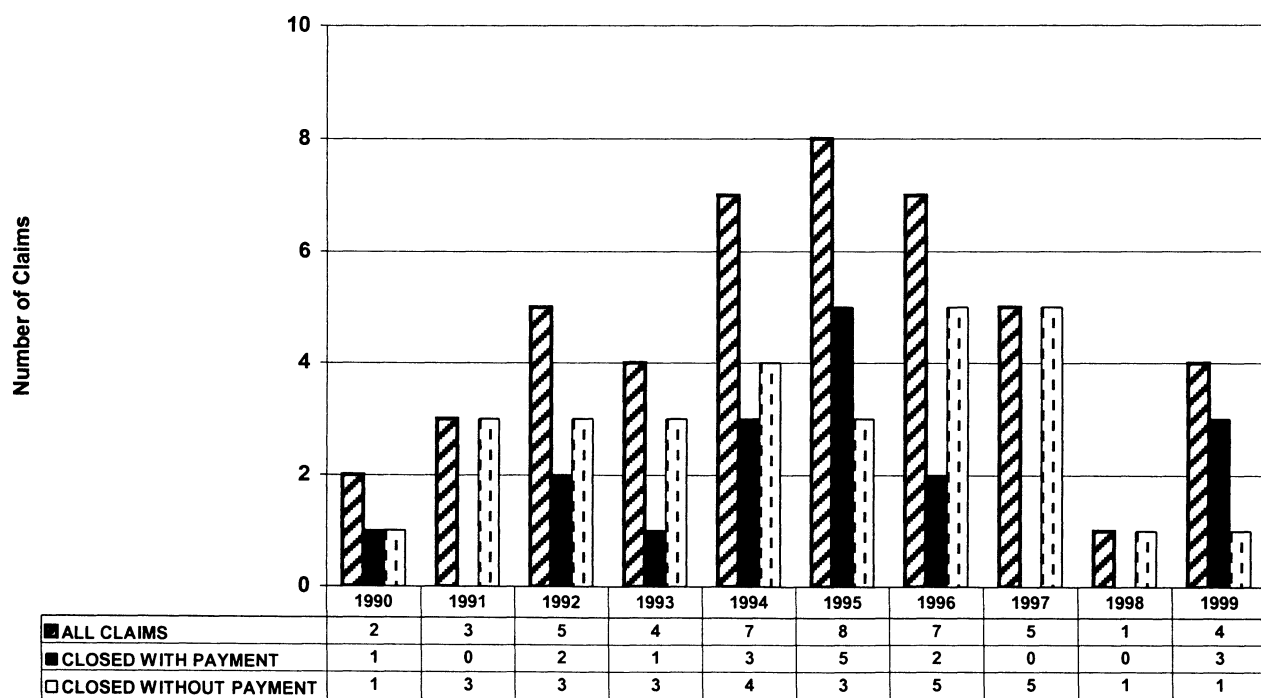


## DURING TRIAL OR HEARING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

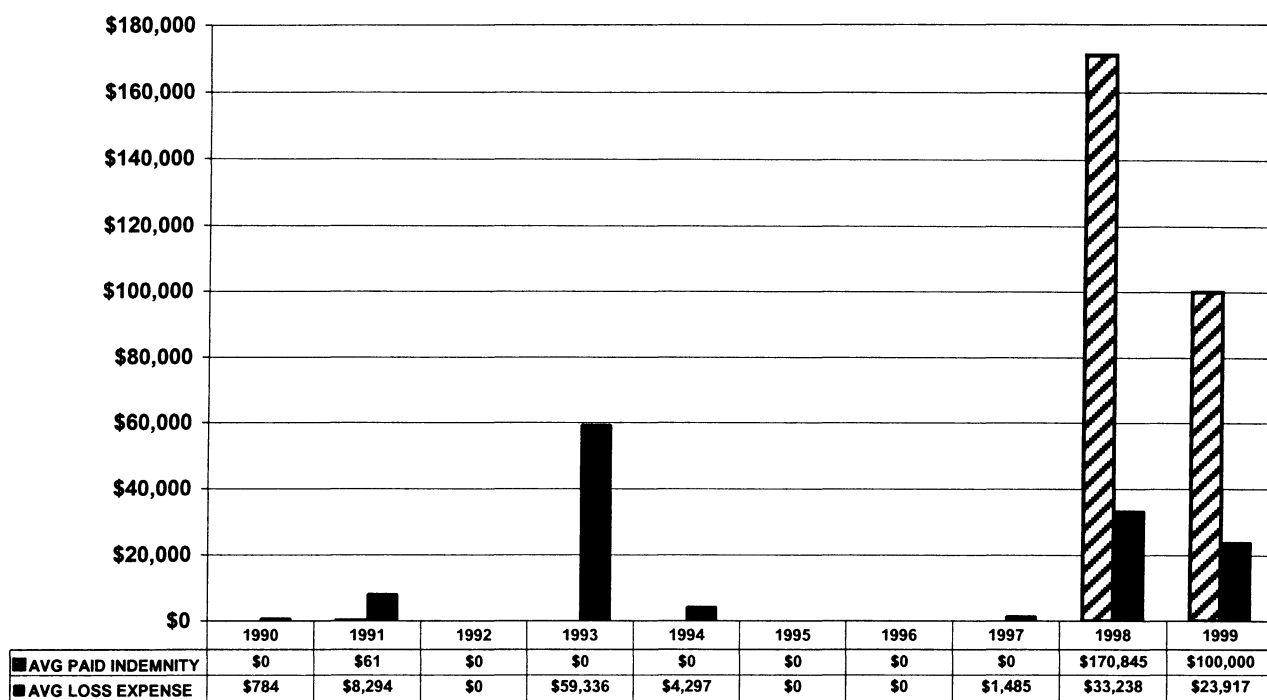


### CLAIM COUNT

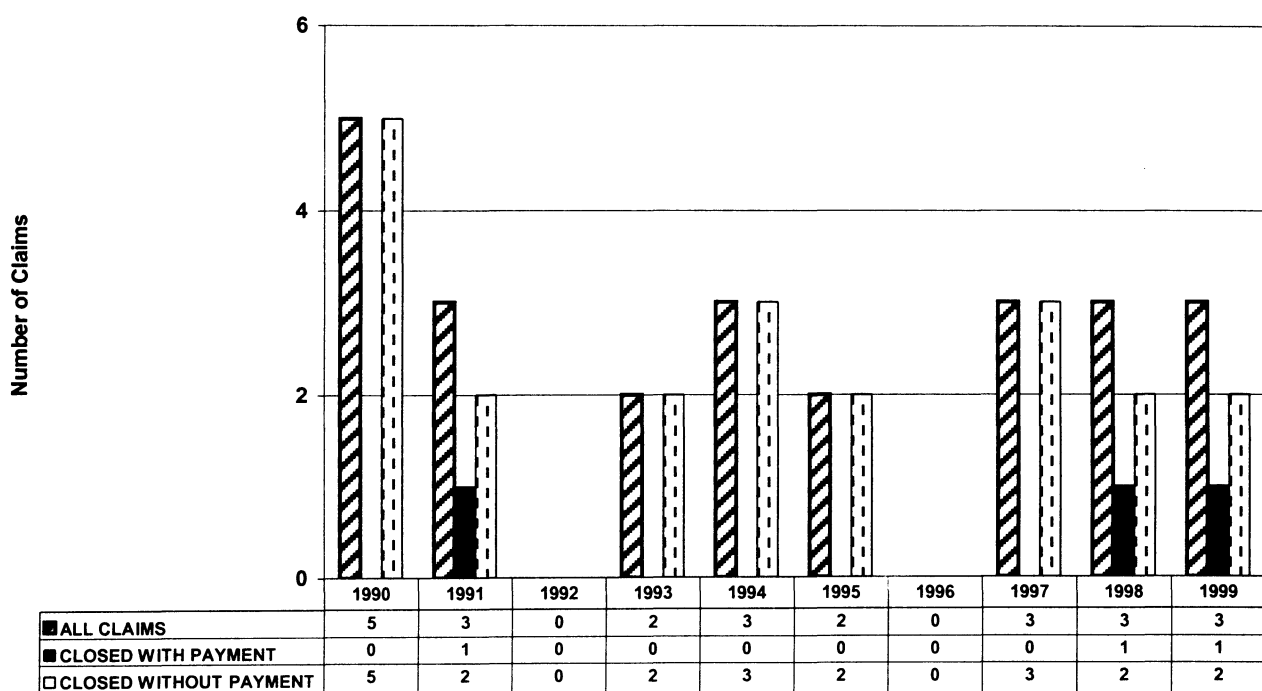


## AFTER TRIAL OR HEARING, BEFORE JUDGMENT

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

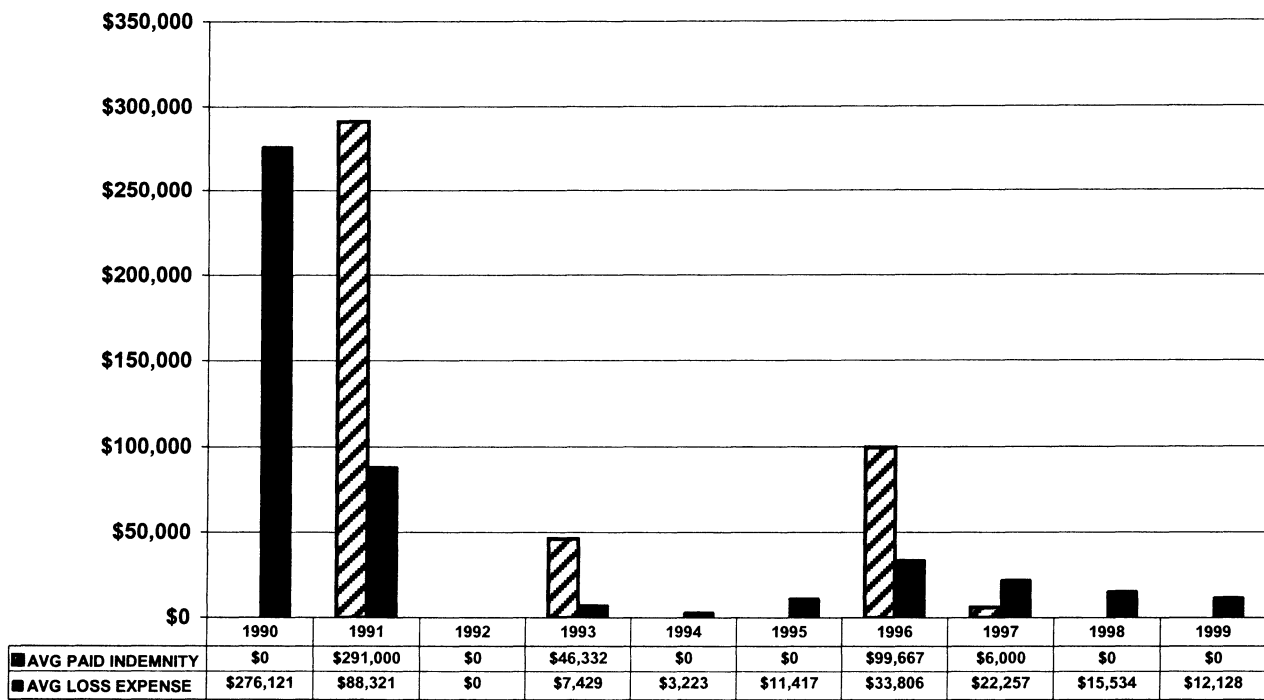


### CLAIM COUNT

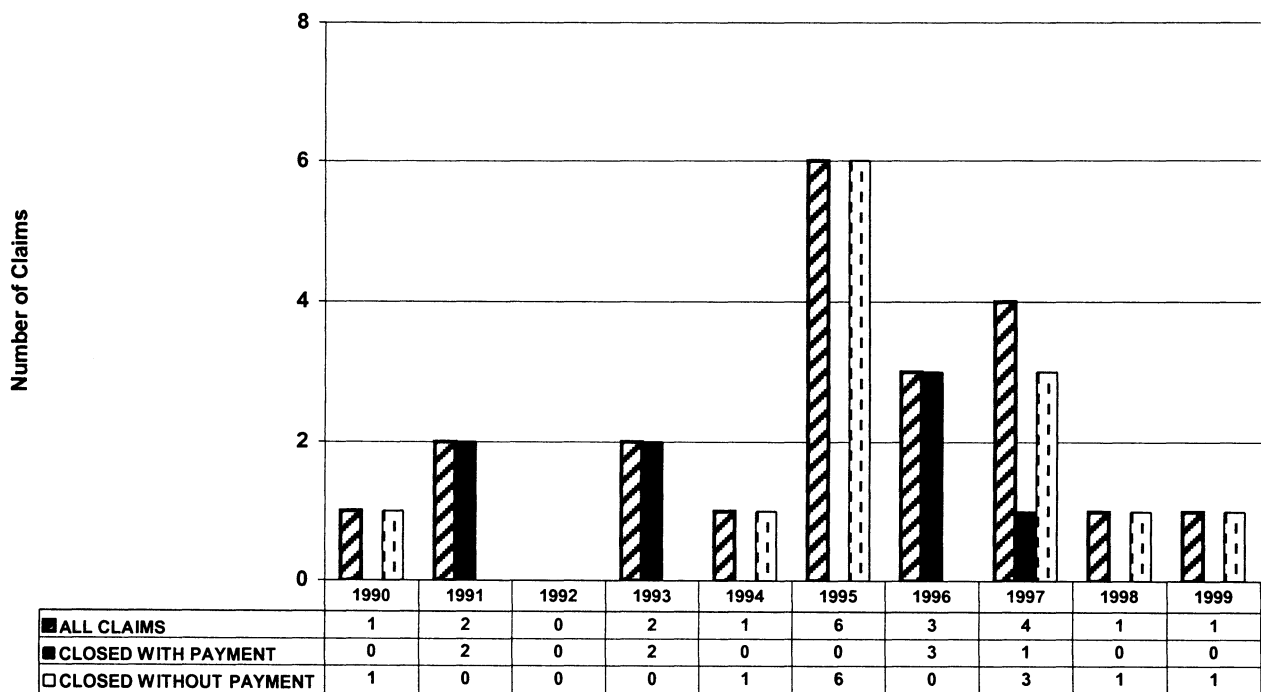


## DURING APPEAL

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



## CLAIM COUNT



**TEN YEAR SUMMARY  
&  
1999 SUMMARY  
BY  
YEARS ADMITTED TO PRACTICE**





**LEGAL MALPRACTICE INSURANCE  
INDEMNITY ANALYSIS  
FOR YEARS 1990 – 1999**

<b>YEARS ADMITTED TO PRACTICE</b>	<b>ALL CLOSED CLAIMS</b>	<b>NUMBER OF PAID CLAIMS</b>	<b>PERCENT OF PAID CLAIMS</b>	<b>AVERAGE INDEMNITY PAID PER PAID CLAIM</b>	<b>TOTAL INDEMNITY</b>	<b>PERCENT OF TOTAL INDEMNITY</b>	<b>AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS</b>
OVER 10 YEARS	2,060	503	80.48%	\$125,857	\$63,305,993	87.35%	\$10,991
4 TO 10 YEARS	417	109	17.44%	\$72,327	\$7,883,626	10.88%	\$7,417
UNDER 4 YEARS	93	13	2.08%	\$99,043	\$1,287,561	1.78%	\$3,380
<b>TOTAL</b>	<b>2,570</b>	<b>625</b>	<b>100.00%</b>	<b>\$115,963</b>	<b>\$72,477,180</b>	<b>100.00%</b>	<b>\$10,135</b>

**LEGAL MALPRACTICE INSURANCE  
INDEMNITY ANALYSIS  
CLAIMS CLOSED IN 1999**

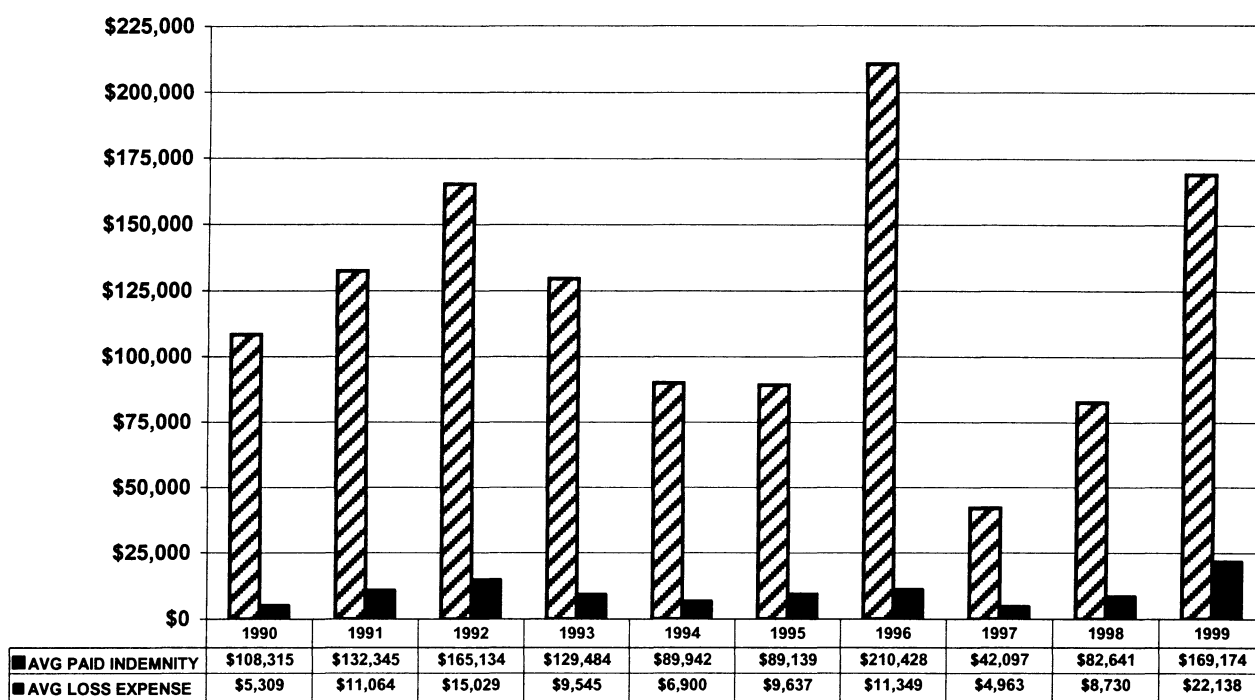
YEARS ADMITTED TO PRACTICE	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
OVER 10 YEARS	299	86	94.51%	\$169,174	\$14,548,980	99.53%	\$22,138
4 TO 10 YEARS	13	4	4.40%	\$16,500	\$66,000	0.45%	\$3,805
UNDER 4 YEARS	5	1	1.10%	\$2,950	\$2,950	0.02%	\$35
TOTAL	317	91	100.00%	\$160,637	\$14,617,930	100.00%	\$21,038

**TRENDS  
OF  
YEARS ADMITTED TO PRACTICE  
FOR 1999**

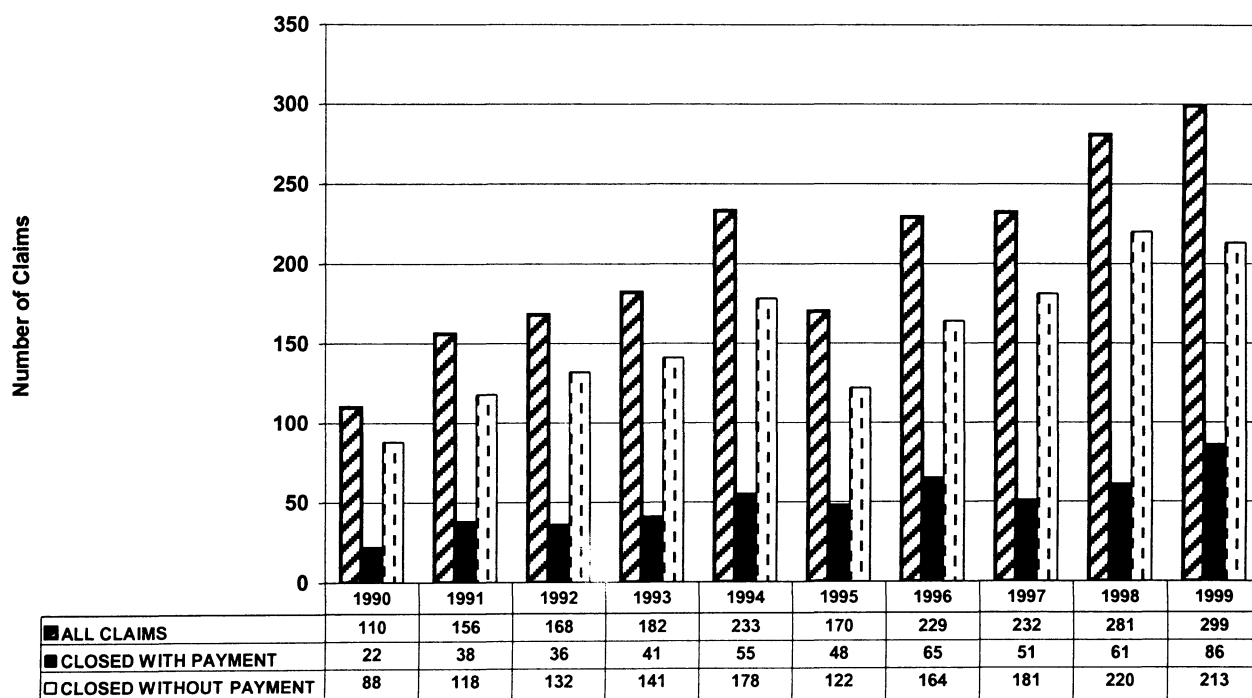


## OVER 10 YEARS

## AVERAGE PAID INDEMNITY &amp; AVERAGE LOSS EXPENSE

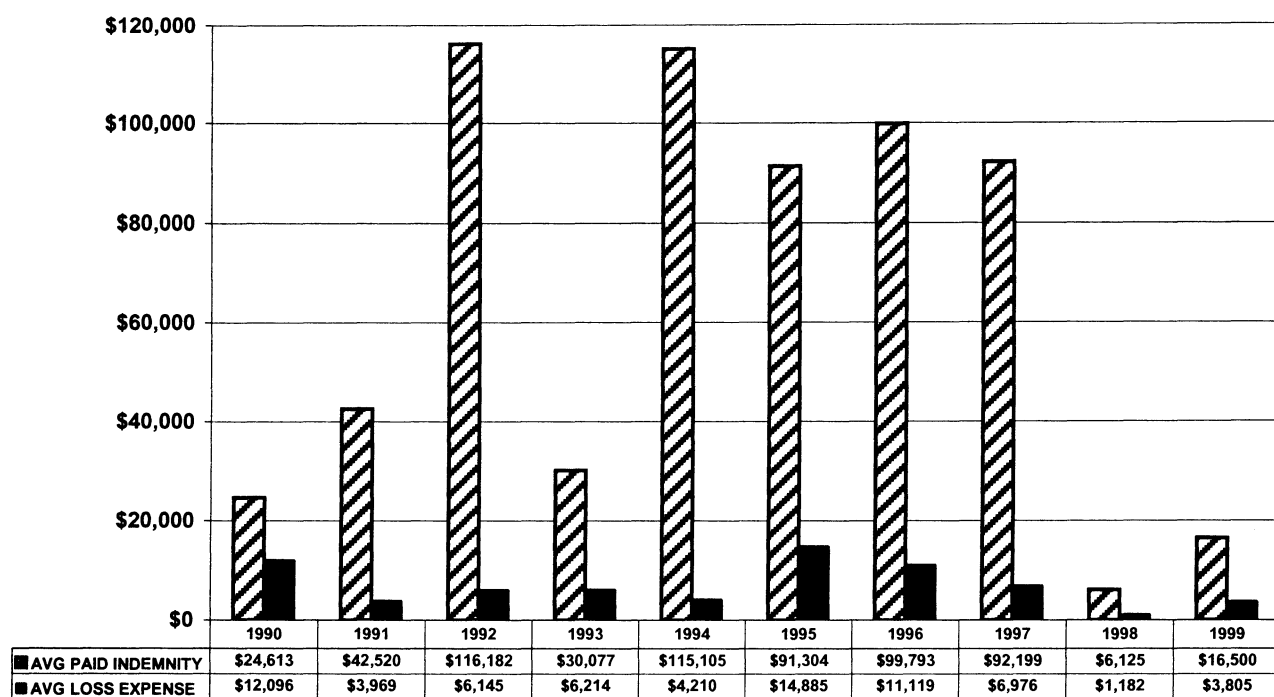


## CLAIM COUNT

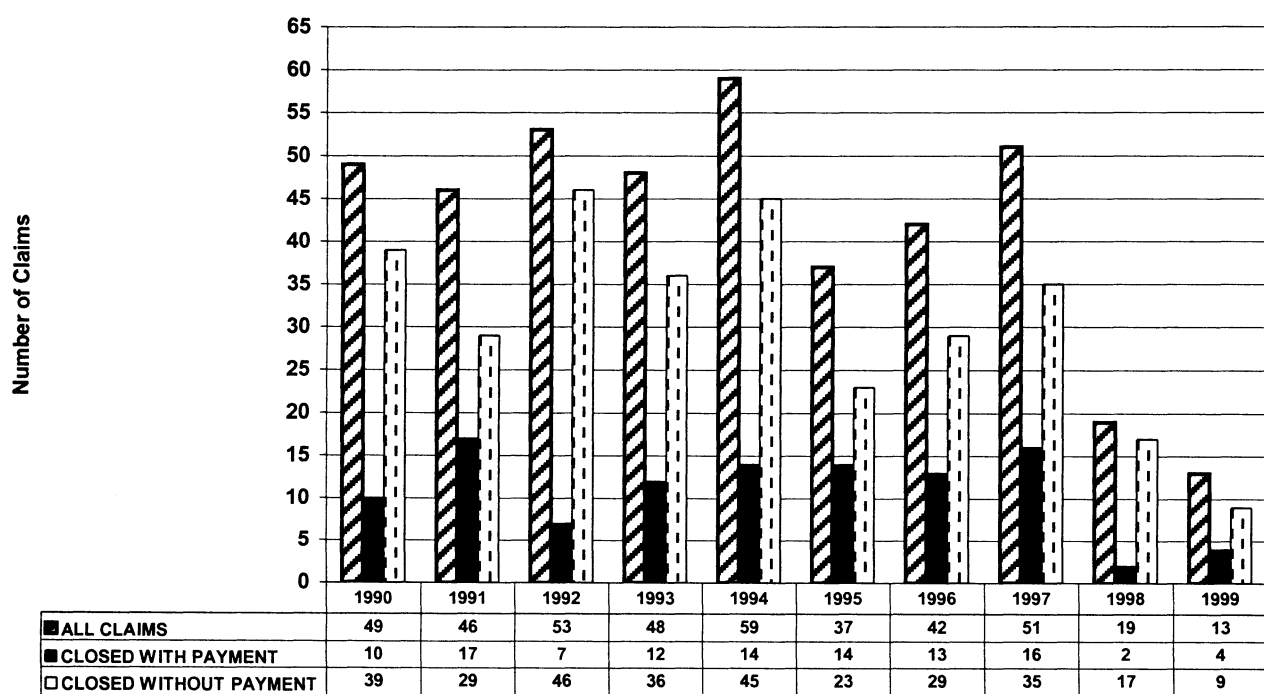


## 4 TO 10 YEARS

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

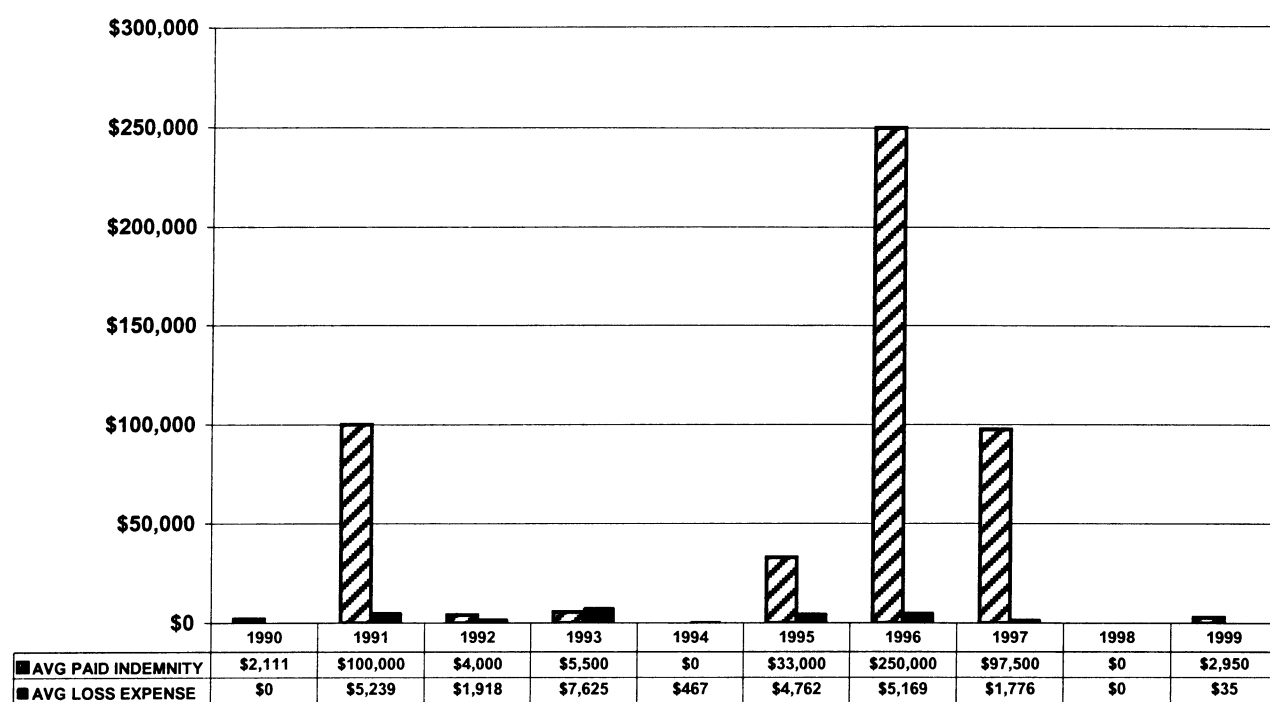


### CLAIM COUNT

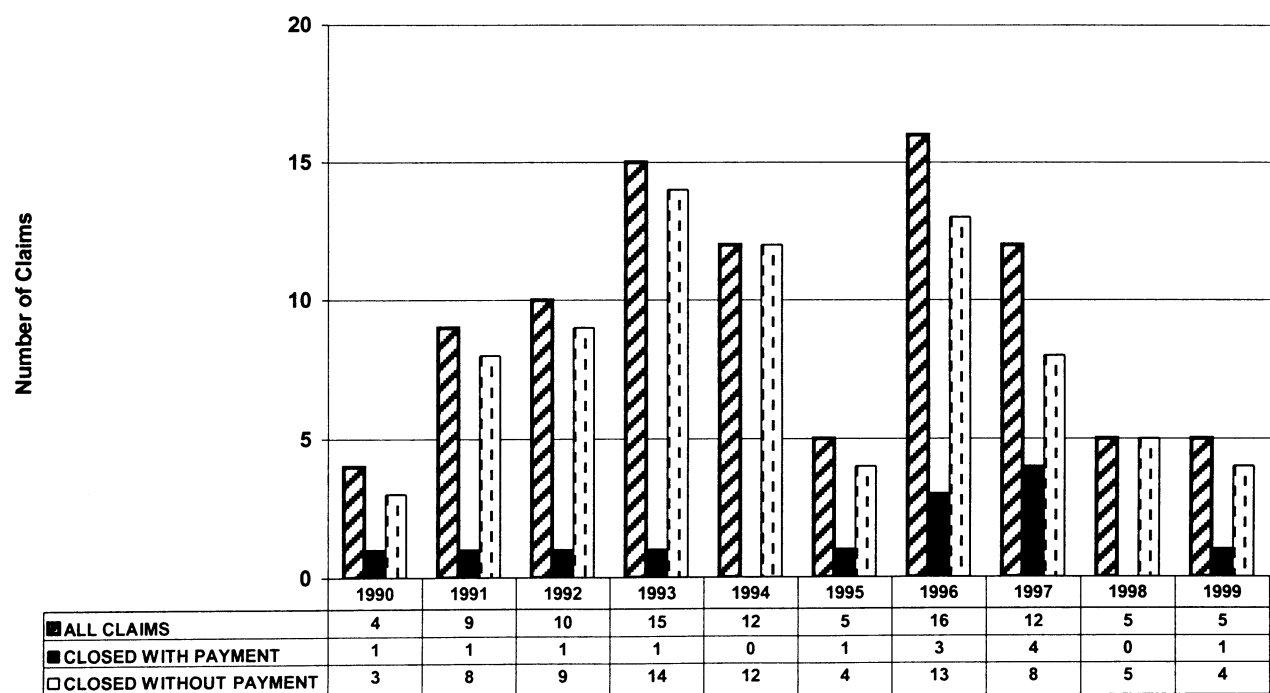


## UNDER 4 YEARS

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



### CLAIM COUNT







**TEN YEAR SUMMARY  
&  
1999 SUMMARY  
BY  
INSURED/CLAIMANT RELATIONSHIP**



# **LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS FOR YEARS 1990 – 1999**

INSURED'S RELATIONSHIP TO THE CLAIMANT	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
CLIENT OTHER THAN FREE LEGAL SERVICE OR PRE-PAID LEGAL PLAN	1,966	534	85.44%	\$111,669	\$59,631,088	82.28%	\$9,535
NON-CLIENT	587	87	13.92%	\$146,938	\$12,783,593	17.64%	\$12,150
MEMBER PRE-PAID LEGAL PLAN	10	2	0.32%	\$16,250	\$32,500	0.04%	\$16,921
FREE LEGAL SERVICE	7	2	0.32%	\$15,000	\$30,000	0.04%	\$87
<b>TOTAL</b>	<b>2,570</b>	<b>625</b>	<b>100.00%</b>	<b>\$115,963</b>	<b>\$72,477,180</b>	<b>100.00%</b>	<b>\$10,135</b>

# **LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS CLAIMS CLOSED IN 1999**

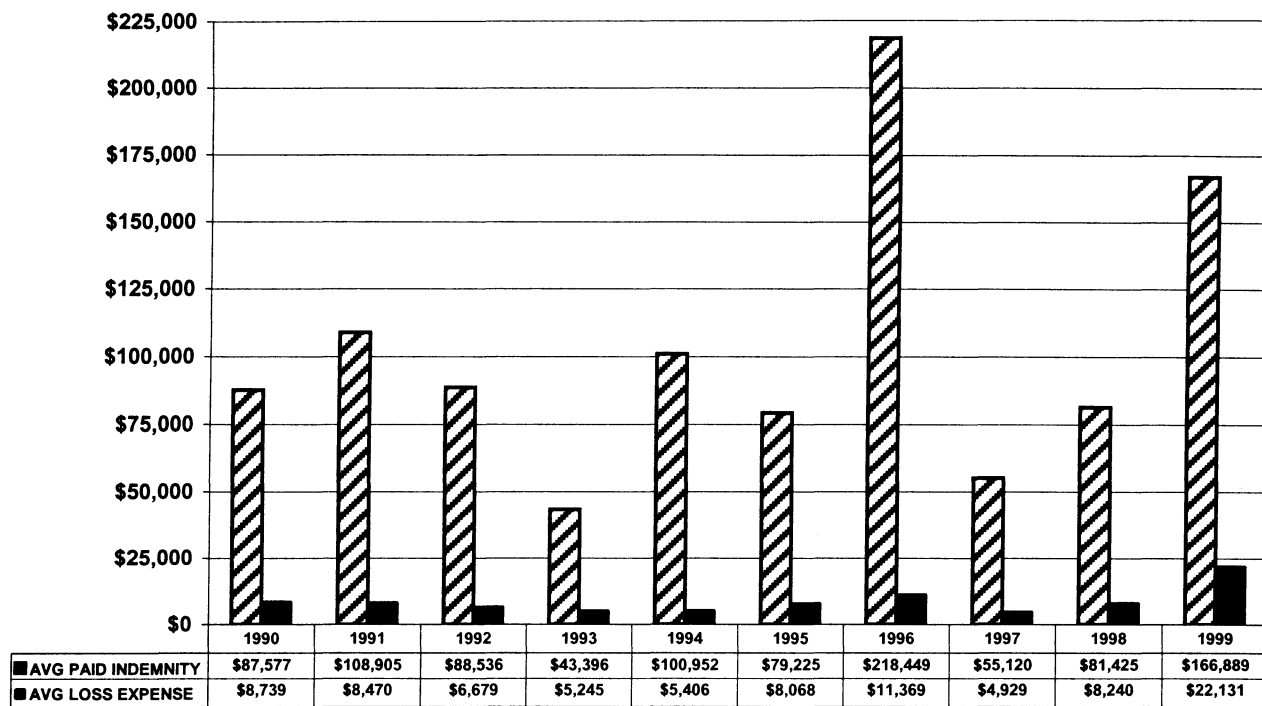
INSURED'S RELATIONSHIP TO THE CLAIMANT	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
CLIENT OTHER THAN FREE LEGAL SERVICE OR PRE-PAID LEGAL PLAN	288	86	94.51%	\$166,889	\$14,352,480	98.18%	\$22,131
NON-CLIENT	29	5	5.49%	\$53,090	\$265,450	1.82%	\$10,182
TOTAL	317	91	100.00%	\$160,637	\$14,617,930	100.00%	\$21,038

**TRENDS  
OF  
INSURED/CLAIMANT  
RELATIONSHIP  
FOR 1999**

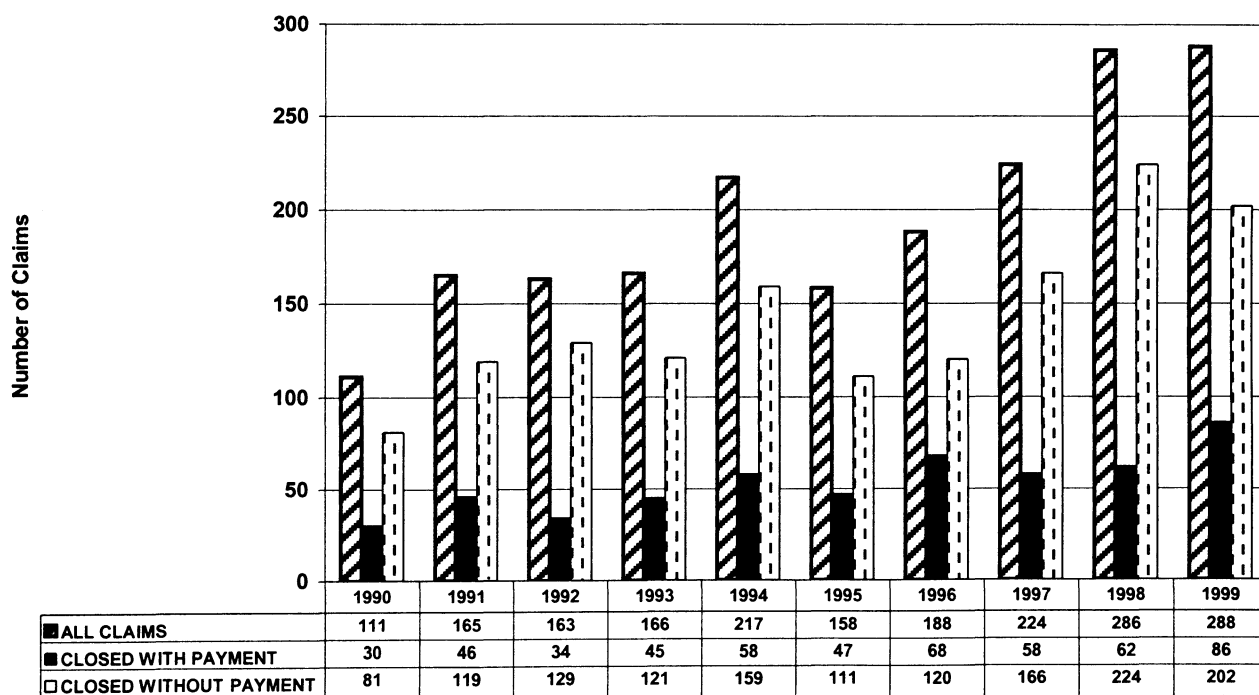


# CLIENT OTHER THAN FREE LEGAL SERVICE OR MEMBER OF PRE-PAID LEGAL PLAN

## AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



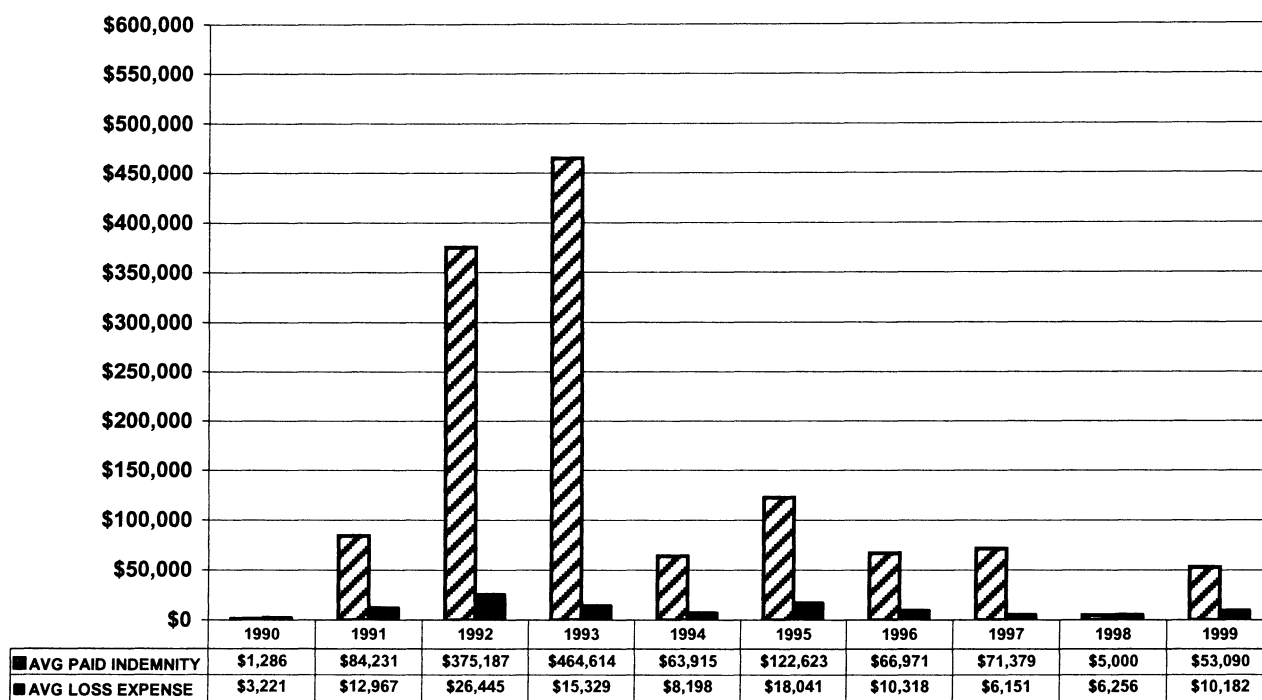
## CLAIM COUNT



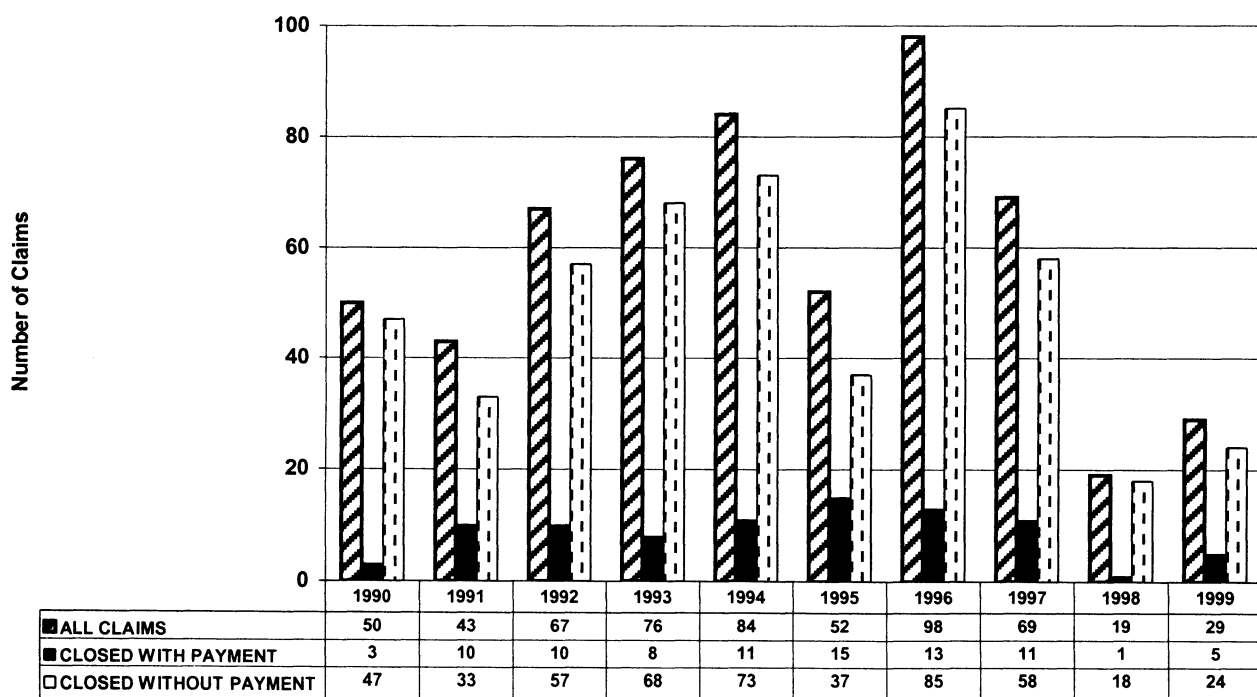


## NON-CLIENT

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



### CLAIM COUNT



**PREMIUM AND  
LOSS DATA**



**PAGE 15 SUPPLEMENT**  
**LEGAL MALPRACTICE EXPERIENCE**  
**WITH MARKET SHARE**

**1999 EXPERIENCE**

NAIC Company Code	Company Name	Market Share	Written Premium	Earned Premium	Incurred Losses	Loss Ratio
29513	BAR PLAN MUTUAL INSURANCE CO THE	66.73%	\$8,124,009	\$8,235,038	\$1,362,799	16.55%
10037	INTERLEX INSURANCE COMPANY	12.13%	\$1,477,022	\$1,444,324	\$215,286	14.91%
24767	ST PAUL FIRE & MARINE INSURANCE CO	5.56%	\$676,808	\$418,317	\$1,850,335	442.33%
35181	EXECUTIVE RISK INDEMNITY INC	4.64%	\$565,100	\$983,787	\$665,827	67.68%
20443	CONTINENTAL CASUALTY COMPANY	3.20%	\$389,317	(\$157,709)	\$9,372,091	-5942.65%
16691	GREAT AMERICAN INSURANCE COMPANY	2.73%	\$332,610	\$249,788	(\$11,798)	-4.72%
19380	AMERICAN HOME ASSURANCE COMPANY	1.95%	\$237,017	\$155,927	\$723,812	464.20%
19445	NATIONAL UNION FIRE INS CO OF PITTSBURG	1.88%	\$228,422	\$242,856	(\$680,222)	-280.09%
24457	RELIANCE INSURANCE COMPANY	0.42%	\$51,402	(\$17,987)	(\$459,979)	2557.29%
26344	AGRICULTURAL INSURANCE COMPANY	0.39%	\$47,039	\$114,757	(\$144,508)	-125.93%
22136	AMERICAN NATIONAL FIRE INSURANCE CO	0.35%	\$42,944	\$1,840	\$161	8.75%
23817	ILLINOIS NATIONAL INSURANCE COMPANY	0.02%	\$2,500	\$2,500	\$708	28.32%
35289	CONTINENTAL INSURANCE COMPANY THE	0.01%	\$840	\$3,126	\$77,405	2476.17%
20427	AMERICAN CASUALTY CO OF READING PA	0.00%	\$0	\$20,084	\$140,914	701.62%
33723	AMERICAN SPIRIT INSURANCE COMPANY	0.00%	\$0	\$0	(\$2,449)	N/A
36781	CENTRIS INSURANCE COMPANY	0.00%	\$0	\$0	\$37,067	N/A
35270	FIDELITY AND CASUALTY CO OF NY	0.00%	\$0	\$0	(\$22,236)	N/A
21083	INTERNATIONAL INSURANCE COMPANY	0.00%	\$0	\$0	\$16,877	N/A
20494	TRANSPORTATION INSURANCE COMPANY	0.00%	\$0	\$1,121	\$212,589	18964.23%
TOTAL		100.00%	\$12,175,030	\$11,697,769	\$13,354,679	114.16%

# **PAGE 15 SUPPLEMENT** **LEGAL MALPRACTICE EXPERIENCE**

## **TEN YEAR SUMMARY**

<b>YEAR</b>	<b>Written Premium</b>	<b>Earned Premium</b>	<b>Incurred Losses</b>	<b>Loss Ratio</b>
1990	\$13,470,027	\$13,141,708	\$3,682,919	28.02%
1991	\$13,328,666	\$12,830,301	\$16,296,819	127.02%
1992	\$12,851,244	\$12,030,069	\$10,439,781	86.78%
1993	\$12,862,384	\$13,214,324	\$10,510,114	79.54%
1994	\$16,489,175	\$15,654,256	\$15,863,938	101.34%
1995	\$15,119,433	\$16,142,706	\$11,619,877	71.98%
1996	\$13,807,557	\$14,103,128	\$7,300,262	51.76%
1997	\$14,580,412	\$13,614,619	\$8,059,195	59.20%
1998	\$12,554,951	\$12,992,850	\$14,448,916	111.21%
1999	\$12,175,030	\$11,697,769	\$13,354,679	114.16%
10-Year Total	\$137,238,879	\$135,421,730	\$111,576,500	82.39%

PAGE 15 SUPPLEMENT  
LEGAL MALPRACTICE EXPERIENCE

TEN YEAR LOSS RATIO SUMMARY

